

ONTARIO ENGLISH  
**Catholic  
Teachers**  
ASSOCIATION

**ASSOCIATION  
REPRESENTATIVE  
HANDBOOK**

## **INTRODUCTION**

This handbook is intended to provide OECTA Association Representatives with the information you need to effectively and appropriately assist your fellow members. The book, which is divided into sections reflecting the areas of service provided by the Association, gives guidance on how to carry out common roles and responsibilities as the Association Representative in your school, and also serves as a reference to help you answer questions and address concerns.

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## **BEING AN EFFECTIVE ASSOCIATION REPRESENTATIVE**

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This section will define your role as an Association Representative, detail your duties and obligations, and offer guidance on how to provide effective service to fellow members.

Keep in mind that if you have questions about your duties or the correct course of action, you can always contact your local Unit President.

### **Role of the Association Representative**

The position of Association Representative, or Association Rep, is similar to what in other unions would be called the "shop steward," or just "steward." As the first point of contact between Catholic teachers and their Association, you play a key role in fostering member engagement, disseminating information, and helping to address issues in the workplace.

### **Duty of Fair Representation**

One of the defining features of the Association Representative's role is the duty of fair representation (DFR). As the official bargaining agent for all teachers in publicly funded English Catholic schools in Ontario, OECTA must have fair representation at all sites where our members are working. The Association Representative also helps to ensure that members receive fair representation from their union.

The duty of fair representation is laid out in Section 74 of the *Labour Relations Act* (LRA). In accordance with this law, the Association is required to represent each member without discrimination, in good faith, and without being arbitrary.

- Behaviour that may be found arbitrary includes actions such as:
  - Abrupt, inconsiderate, indifferent, and insensitive treatment of a grievor.
  - Failure to investigate, or conducting a superficial, perfunctory investigation of a grievance.
  - Processing a grievance in a manner that shows reckless disregard for the interests of the grievor.
  - Failure to inform and consult during negotiations.
- Treating individuals or groups differently from others, if there is no valid labour relations reason for doing so, may be found to be discriminatory. The union must be able to show that it has sound, objective reason for making the distinction in question.
- "Bad faith" toward an individual or group involves a frame of mind that is hostile or malicious.
  - If the complainant can show a history of personal hostility, a desire for political revenge, lack of fairness, intentional deception, or dishonesty, there may be a finding of "bad faith."
  - As with "arbitrary" behaviour, honest mistakes or errors of judgment do not qualify as evidence of "bad faith" toward members.

The failure to meet the requirements of the LRA may result in a DFR complaint to the Ontario Labour Relations Board (OLRB). The provincial Association is ultimately responsible for all complaints to the OLRB.

In addition to the key responsibilities outlined in Section 74 of the LRA, there is a responsibility for the Association Representative to present the views of OECTA. A failure in this regard may result in some form of discipline or corrective measure by the Association.

To ensure that you are carrying out your duty of fair representation, a cautious approach is required. Here are some suggestions:

- All staff are equal – do not pick favourites
- Put yourself in the complainant’s role
- Tell the complainant all they should know
- Listen and be patient
- Advocate, do not arbitrate
- Always consult with your local unit office or the OECTA Provincial Office – immediately
- Always be timely – meet today, do not delay
- Maintain a journal of your activities as Association Representative

### **Presenting Association Policy**

In general, the policies of the provincial Association are determined through a democratic process at the Annual General Meeting (AGM). The Provincial Executive is charged with directing the business of the Association between AGMs. Your local unit will also have its own processes for making decisions about local issues.

As the Association Representative, it is your job to share and adhere to the policies and positions reached through OECTA’s democratic processes. You also have a role in helping members to feel that their views and opinions are being heard and considered. Below are some suggestions to help you carry out your duties:

- Rely on written materials produced by the Association.
- Familiarize yourself with the content of all material distributed by the Association.
- Contact your Unit President for the context and rationale of policies and positions.
- Keep a record of questions and comments that arise during discussions with members or school administrators – refer these to your Unit President.
- Always provide a forum for all opinions – above all, the Association is a democratic organization.

### **Assisting Members at Meetings**

From time to time, the Association Representative may be asked to attend a meeting with a colleague.

If the meeting is with a principal or vice-principal, the role of the Association Representative would be that of a witness/recorder.

If the meeting is scheduled with a superintendent and/or outside agency, or the member has been notified that the meeting could be disciplinary in nature, your Unit President is to be notified immediately! The Association Representative may advise the member not to attend a meeting until the Unit President is able to attend.

Before attending any meeting, be sure that you have all of the necessary information to determine your course of action. Consider the following:

- Has the member been advised of the purpose of the meeting?
- Has the meeting been scheduled within reasonable time limits?
- Is the principal/vice-principal aware that the Association Representative will be attending?
- Has there been any reporting to, or involvement of, outside agencies?

Your action will depend on the purpose of the meeting.

<b>Purpose</b>	<b>Association Representative Actions</b>
General "in-schools" concerns (e.g. supervision, attendance, timetables, interpersonal, etc.)	Attend and take notes
Parent concern	Attend and take notes
Illness or stress	Attend and take notes
Contractual issues (e.g. leaves, staffing, etc.)	Attend and take notes *have a copy of the agreement related to transfer, surplus, and declaration available
Teaching performance	Contact the Unit President
Disciplinary action	Contact the Unit President
Allegations of inappropriate conduct	Contact the Unit President
Denominational issues	Contact the Unit President
Meeting with Superintendent/Director	Contact the Unit President
Meeting with any outside agency	Contact the Unit President

The Association Representative may still be asked to attend the meeting with the member even after contact with the Unit President has been made. If this occurs, you should make inquiries as to whether there are any specific directions regarding additional questions or concerns to be addressed. Once again, the Association Representative's primary role is to act as a witness and note-taker at the meeting.

Whenever a member is informed of the involvement of outside agencies, such as the police and/or Children's Aid Society, the unit office should be contacted immediately. If a member is directed by a principal/supervisor to attend such a meeting without representation, no statements are to be made and the Unit President is to be contacted immediately. Members may need to be reminded of their rights from time to time, but no one should be made to attend any meeting without representation if they feel it is required.

Members should also attempt to determine the agenda of meetings, especially with parents and/or guardians, in advance. If such meetings become confrontational, aggressive, or threatening, the member has the right to end the meeting immediately.

### **Guidelines for Assisting Members at Meetings**

#### **Call of the meeting**

- The Association Representative should ensure the member has notified the principal that the Association Representative will be attending the meeting.
- If the principal or supervisor attempts to block the attendance of the Association Representative, or if it would be more appropriate for the Unit President to attend, the Unit President should be contacted immediately.

#### **Preparation for the meeting**

- Discussion between the member and the Association Representative on the role of the representative at the meeting is necessary prior to any meeting.

#### **The meeting**

- At the beginning of the meeting, the Association Representative should indicate your function at the meeting.

- The principal/supervisor should be expected to outline the purpose and structure of the meeting.
- The member may feel the need for a break/caucus during the meeting. If so, a time limit should be identified for the resumption of the meeting.
- The member should also be able to ask to end the meeting and resume at another time, mutually agreeable to the parties. If possible, reasons for the adjournment should be given and specific agenda items for the subsequent meeting discussed.
- Notes taken should be specific to the issues as outlined, actions being sought, and possible outcomes as outlined by the principal/supervisor.
- The principal/supervisor may conclude the meeting with a summary of ideas and/or actions. Make sure that notes reflect this summary and direction.
- The member should always feel free to ask questions seeking clarification. If necessary, you may ask for a clarification from the principal/supervisor for the purpose of note accuracy.

### Following the meeting

- The Representative will provide the member with a summary and a copy of any notes, which may also be filed with the unit office if necessary.
- The member and Association Representative should meet to summarize the meeting and decide on further actions or meetings.
- If there has not been previous contact with the Unit President up until this time, it will be necessary to make the contact now.
- Following this “debriefing,” the Association Representative should prepare a copy of the notes and summary for the member.
  - The notes should be dated and signed by both parties after they have been reviewed.
  - If your local unit procedures call for forwarding of copies of meeting summaries to the unit office, this should be done as soon as they have been prepared.
- Association Representatives are reminded of the confidentiality of these matters.
  - The Association Representative should ensure that the member is aware of the importance of confidentiality.
  - General staff discussion of meetings, issues, and outcomes is not to be undertaken.
- If issues are presented that will have ramifications for other staff members, or perhaps the entire staff, the Unit President must be apprised of these issues.

Remember that all members have the right to representation. The Unit President can act as a resource if a question arises regarding attendance at meetings. It is important that a record be kept of all meetings, even if the member feels there is no need for representation, and attends on their own.

### Handling Grievances

Individual members may feel that their issues or concerns warrant the filing of a grievance, but it is important to remember that the Association, as the legal bargaining agent, has the final decision in this regard.

The local unit acts under the authority of the bargaining agent. It must look at the member’s situation, and consider the member’s interests in the light of the interests of the other members of the bargaining unit.

Unless the collective agreement provides, a grievance cannot go to arbitration without the union’s approval. The Association is party to the collective agreement, and has ownership of the grievance, and the final say over settlement or the access to arbitration.

There is no requirement that the grievor must consent to a settlement. Of course, as a matter of practice, the Association will likely advise the grievor of the terms of a proposed settlement, and permit the grievor to offer their views on it. But the final decision on settlement rests with the union.

More information on grievances can be found in the Bargaining and Contract Services section of this handbook.



## **Association Representative on School Councils**

Another key function of the Association Representative is to ensure that teachers' interests are represented on School Councils.

Elementary School Councils are made up of the following participants:

- Parents
- Principal (or vice-principal as the designate)
- A teacher representative elected by teachers
- A non-teaching representative elected by non-teaching staff
- A representative of the home and school association (if one exists in the school)
- At least one community member appointed by the other council members
- Sometimes a member of the parish

You might fulfil the role of the teacher representative yourself, or another member might take it on. Either way, there are some important factors to keep in mind.

- Parents should expect the Association Representative to be a good source of information, and in turn must learn that certain norms of behaviour and statements regarding staff are expected in public meetings.
- Fellow staff members expect the Association Representative to have an in-depth knowledge of their rights, of the collective agreement, and of the various ways in which School Councils can be informed and influenced.
- It is NOT the responsibility of the principal to appoint the teacher representative on the school council. The full- and part-time teachers of the school elect their own representative.

OECTA views School Councils as an ideal form of parental involvement and contact opportunity for parents, teachers, and other staff to work together to support students.

The range of issues that School Councils deal with is varied. The principal must consult with the School Council on the code of conduct for persons in the school, the student dress code, and school action plans in response to EQAO test results. School boards must consider the views of School Councils when establishing policies and guidelines on student discipline, promotion of student safety, access to school premises, as well as student suspensions and expulsions.

There are limits to what School Councils should be addressing. School Councils should not discuss personnel matters, or refer to a specific teacher or other school employee. School Councils should not be engaging in discussions related to employment matters or collective agreements. If a discussion at a School Council meeting strays into an area that is inappropriate, the principal should intervene. Otherwise, you are within your rights, as a teacher, to point out the problem.

This being said, there are no limits on the issues about which School Councils may make recommendations to the school board or the school. For this reason, it is extremely important that the teacher representative to the School Council is well informed.

Fellow teachers elect the teacher representative to a particular school's council. This individual may or may not also be the Association Representative.

Should the teacher representative to the School Council not be the Association Representative, it is important for the two teachers to work closely with one another to ensure there is communication about Association's issues and issues raised by School Council members that may be of interest to the Association. The teacher representative should have a clear understanding of the role and the limits of the School Council, and should intervene if the School Council's deliberations take an inappropriate turn. If necessary, concerns about the School Council should be brought to the local Unit President.

The following are some general tips for teacher representatives to School Councils:

- Develop a positive working relationship with the Chair of the School Council and other members of the council wherever possible. These community-based forums are ideal to bring forth issues and

discussion topics of a different nature than the adversarial collective bargaining forum at the school board level.

- Repackage OECTA issues for School Councils.
  - For example, Teacher Performance Appraisal is an irritant for teachers that may have general acceptance among many School Council members. Indeed, School Councils may support the intent of the legislation without reservation.
  - In this instance, the bureaucratic load imposed upon schools, which will detract from the teaching activity, should be emphasized.
  - OECTA and School Councils share the goal of high professional standards. OECTA and School Councils share the goal of quality education. OECTA and School Councils may share a distaste for bureaucratic downloads and the needless bureaucracy that flows from Teacher Performance Appraisal.
- Request time on the School Council meeting agendas to bring forward issues identified by the teaching staff.
- Request time on staff meeting agendas to report on School Council meetings with respect to how the deliberations might affect teaching staff.

### **Acts, Regulations, and Policy/Program Memoranda**

The following are some statutes, regulations, and Ministry of Education policy/program memoranda (PPMs) that a teacher may need to reference in dealing with daily activity. PPMs are numbered policy directives that are issued to district school boards and school authorities to outline the Ministry of Education's expectations regarding the implementation of ministry policies and programs.

The references under the title are listed to assist in providing information to teachers for some of the more common areas about which members might inquire.

Ontario Statutes and Regulations are available at: [www.ontario.ca/laws](http://www.ontario.ca/laws)

Policy/Program Memorandum at: <http://www.edu.gov.on.ca/extra/eng/ppm/ppm.html>

### **Education Act**

Section 1	Definitions
Section 170.1	Class size
Section 170.2	Minimum teaching time
Section 264	Duties of teacher
Section 264.1	Duties of teachers and designated ECEs to be cooperative
Section 265	Duties of principal
Section 266	Pupil records
Section 277.14	Teacher performance appraisal
Section 286	Duties of supervisory officers
Section 301	Provincial Code of Conduct
Section 302-03	Local policies, guidelines, and codes of conduct
Section 306	Activities leading to possible suspension

### **Regulations made under the Education Act**

Regulation 472/07	Behavior, discipline, and safety of pupils
Regulation 521/01	Collection of personal information (Criminal check)
Regulation 285	Continuing education
Regulation 298	Operation of schools (General)
Section 3	Daily sessions
Section 5.2	Lunch period
Section 11	Duties of principals
Section 12	Vice-Principals
Section 14	Teachers in charge of organizational units
Section 19	Assignment or appointment of teachers

Section 20	Duties of teachers
Regulation 304	School year calendar, professional activity days
Regulation 90/98	Principals and Vice-Principals — Redundancy and reassignment
Regulation 132/12	Class size
Regulation 181/98	Identification and placement of exceptional pupils
Regulation 99/02	Teacher performance appraisal
Regulation 266/02	New teacher induction program
Regulation 98/02	Teacher learning plans
Regulation 274/12	Hiring practice
Regulation 224/10	Full day Junior Kindergarten and Kindergarten

### ***Education Quality and Accountability Office Act***

#### ***Employment Standards Act***

Section 46	Pregnancy leave
Section 48	Parental leave
Part XV	Termination and severance of employment

#### **Human Rights Code**

Part I	Freedom from discrimination
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#### ***Labour Relations Act***

Section 1	Definitions
Section 16	Negotiation of collective agreement
Section 45	Content of collective agreements
Section 48	Arbitration
Section 49	Referral of grievance to a single arbitrator
Section 70+	Unfair practices
Section 74	Duty of fair representation
Section 86	Working conditions may not be altered

#### ***Occupational Health and Safety Act***

Section 7.6	Certification of members
Section 8	Mandatory selection of Health and Safety representatives
Section 9	Joint Health and Safety Committee
Section 25	Duty of employer
Subsection 2 (h)	take every reasonable precaution reasonable in the circumstances for the protection of a worker.
Part III	Violence and harassment
Part IV	Toxic substances
Part V	Right to refuse work or stop work where Health and Safety in danger
Part VI	Reprisals by employer prohibited

#### **Regulations made under the *Occupational Health and Safety Act***

Regulation	490/09 Designated substances
Regulation	860 Workplace Hazardous Material Information System (WHMIS)
Regulation	857 Teachers

**Ontario College of Teachers Act**

Part II	College
Part III	Registration
Part IV	Investigation committee
Part V	Discipline and fitness to practice

**Pay Equity Act**

Part II	Public sector
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**Regulations made under the Ontario College of Teachers Act**

Regulation 176/10	Teachers' qualifications
Regulation 437/97	Professional misconduct

**School Boards Collective Bargaining Act**

Section 5+	Bargaining units
Section 10 (3)	Bargaining agents for teachers (OECTA)
Section 12	Central and local bargaining
Section 23 (1)	Central table (for teachers)
Section 24+	Scope of central and local bargaining
Section 29+	Negotiations
Section 40	Content of collective agreement

**Teachers' Pension Act**

Section 2(2)	Defined benefits plan
Section 5	Contributions by the crown
Section 10 (1)	Joint management

**Teaching Profession Act****Workplace Safety and Insurance Act**

Section 1	Purpose
Section 13	Insured injuries
Section 21	Notice by employer of accident
Section 32+	Health care
Section 40	Return to work
Section 43	Compensation

**Regulations made under the Workplace Safety and Insurance Act**

Regulation 1101	First aid requirements
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**Policy/Program Memoranda**

PPM	120	Reporting violent incidents to the Ministry of Education
PPM	128	Provincial Code of Conduct
PPM	144	Bullying prevention and intervention
PPM	145	Progressive discipline and promoting positive student behavior
PPM	151	Professional activity days devoted to provincial education priorities
PPM	155	Diagnostic assessment in support of student learning
PPM	159	Collaborative professionalism

## **BARGAINING AND CONTRACT SERVICES**

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One of the primary functions of the Association is to collectively bargain the agreements that outline the working conditions, compensation, and benefits received by members, and to ensure the appropriate application of the provisions of those agreements by the employer.

As the eyes and ears of the Association in the school, the Association Representative plays an important role during the bargaining process, and in ensuring that the employer respects the agreement's provisions.

In the following pages, you will find detailed information on the wide variety of areas that might be part of bargaining and contract management. Of course, you can always direct any questions or concerns to your local Unit President or the OECTA Provincial Office.

### **Freedom of Information**

The *Municipal Freedom of Information and Protection of Privacy Act* came into effect on January 1, 1991.

The purpose of the Act is:

1. To provide a right of access to information under the control of institutions.
2. To protect the privacy of individuals with respect to personal information about themselves.

In the first case, the Act refers to the right of access to existing records in the custody or control of the school board. The term "information" includes any record of information. As a result, this Act has particular impact with regard to students' records and their personal information. The Act is very specific about how you collect, use, access, disclose, and retain personal information.

"Personal information" is defined as recorded information about an identifiable individual. With very limited and specific exceptions, personal information must be collected directly from the individual. All personal information in the control of the school board must be protected from unauthorized use or disclosure.

This information should only be used for the purpose it was collected and should only be used by authorized staff on a "need to know" basis for the completion of their job.

Certain individuals, students and their parents/guardians have the right to access their own personal information and also the right to request correction if necessary. Students must be 18 years of age to access their own information.

Members should always use professional, objective, and factual language. Keep in mind that interview notes, progress reports, and observation notes should relate to the student, the program, and the student's progress in same.

Personal information may be disclosed within the system to authorized staff required to have that information for completion of their assigned duties. Always use care when transmitting this information to other staff members.

Records are to be maintained for a reasonable period of time, and when disposing of records they should be shredded.

Teachers should be aware of the confidentiality protection provided by Section 266 of the *Education Act*, as well as confidentiality provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

NOTE: A copy of the Ontario Student Record Guideline (2000) should be in all schools. This guideline is used by all school boards as directed by the Ministry of Education.

Learn more from the Information and Privacy Commissioner of Ontario, at [www.ipc.on.ca](http://www.ipc.on.ca).

## **Qualifications Evaluation Council of Ontario (QECO)**

QECO is a co-operative project of three of the teacher affiliates of the Ontario Teachers' Federation – the Association des enseignantes et des enseignants franco-ontariens, the Elementary Teachers' Federation of Ontario, and the Ontario English Catholic Teachers' Association.

Assessment of teacher qualifications for salary purposes is the prime responsibility of QECO. Members are placed in salary grid categories according to their academic and professional qualifications. In addition, information on future upgrading is available upon written request. Members are encouraged to seek upgrading information from QECO on a regular basis to confirm the best available path for category advancement.

Teachers are placed in their respective category after application to QECO. The evaluation process usually takes a minimum of six weeks for processing. Local agreements with school boards determine the program of evaluation to be used. Currently, teachers receive evaluations in Program 5.

The process of evaluation of qualifications is complex. As such, members are reminded to contact the Evaluations Office directly for placement and upgrading information. Similar courses of study can and do result in varying placements, and all placements must be validated by QECO.

QECO introduced a fully electronic application process on January 4, 2018. Once a member establishes an account with QECO, all documents can be uploaded electronically to QECO's system, with the exception of university transcripts where original, official transcript documents have to be provided directly to QECO. In turn, QECO will provide all correspondence to members in PDF form, including Statement of Evaluation, Acknowledgement of Correspondence cards, and any other information specific to the teacher's request. Sensitive documents such as the Statement of Evaluation and Acknowledgement of Correspondence cards are protected with QR codes.

Membership in one of the three teacher affiliates is a requirement for evaluation by QECO, as is registration with the Ontario College of Teachers. Local bargaining units can provide specific information in relation to QECO references found in their collective agreement. General information, links to the electronic application form, and guides for Program 5 are available directly from QECO's website, at [www.qeco.on.ca](http://www.qeco.on.ca).

## **Provincial Funding Model**

Many questions that arise about collective bargaining, working conditions, or school administration may be answered or informed by reference to the funding model. All publicly funded school boards operate according to the annual model set out by the Ministry of Education.

The funding model distributes money to 15 different grant allocation areas. Within these areas, the grants are further divided among a number of categories. Some of these categories are deemed to be "classroom" expenditures, and some as "out-of-classroom" expenditures. Boards have some restrictions in moving money to pay for "out-of-classroom" expenses; however, school boards have been given increasing flexibility over the past few years to spend money as they wish.

The elementary and secondary models provided are the basis of most collective agreements. The model is set provincially, not locally. A local board may spend more in one area, but must finance from reserves or another expenditure area to do so.

School boards receive additional grants in a variety of demographic and program-based envelopes. In the following pages, you can find the basic per-pupil amounts for the 2018-19 school year. Further details and technical information can be found on the Ministry of Education's website at: <http://www.edu.gov.on.ca/eng/policyfunding/funding.html>. This site also contains projections for all school boards. School boards use this information, along with lengthy spreadsheets, to produce estimates to the Ministry of Education as early as June preceding the school year. These estimates are updated in November and again in April. The estimates break down each area of the funding model in detail.

The benchmark salary for teachers is based on \$75,084 plus 10.61 per cent for benefits. Teacher salaries are further funded through a Qualifications and Experience Allocation, which increases or decreases a school board's funding for teacher salaries based on their experience and qualifications as compared to a benchmark salary grid.

In 2017, the Association reached a settlement for an extension of the collective agreement for the period September 1, 2017 to August 31, 2019. The settlement provided for incremental salary increases over the life of the agreement, and a lump sum payment to teachers for professional development, supplies, equipment, or other professional expenses. System Investment funding in Catholic boards amounts to \$33.4 million in each year of the agreement, which resulted in the addition of at least 335.3 FTE classroom teachers.

<b>KINDERGARTEN (JK/SK) Pupil Foundation Allocation</b>	<b>#staff per 1,000 ADE</b>	<b>benchmark salary + benefits (% of salary)</b>	<b>\$ allocation per ADE</b>
Classroom Staffing	Classroom teacher* 39.11	\$76,210 + 10.44%	\$3,291.74
	Specialist teacher/ preparation time* 7.66		\$644.71
Funded Average	Early childhood educator** 44.58	\$31,376 + 26.03%	\$1,762.96
Library Services	Teacher librarian* 1.31	\$76,210 + 10.44%	\$110.09
Classroom Consultants	0.41	\$104,908 + 10.20%	\$47.40
Supply Teacher			\$145.72
Education Assistants	0.20	\$44,497 + 26.03%	\$11.22
Professional/Para Professional Supports	1.73	\$60,336 + 21.02%	\$126.32
Elementary Supervision			\$26.88
Textbooks and Learning Materials			\$69.00
Classroom Supplies			\$82.82
Classroom Computers			\$34.52
<b>TOTAL Kindergarten (JK/SK) Per-Pupil Amount</b>			<b>\$6,353.38</b>

NOTE: Pension plan contributions for teachers and other eligible members of the Ontario Teachers' Pension Plan (OTPP), are matched by the Government and are not included in the benefit benchmarks.

**Kindergarten Pupil Foundation Allocation = Kindergarten ADE x \$6,353.38**

\* Additional funding is recognized through the Teachers Qualifications and Experience Allocation of the Cost Adjustment and Teacher Qualifications and Experience Grant.

\*\* Additional funding is recognized through the Early Childhood Educator Qualifications and Experience Allocation of the Cost Adjustment and Teacher Qualifications and Experience Grant.

<b>PRIMARY (Grades 1 to 3) Pupil Foundation Allocation</b>	<b>#staff per 1,000 ADE</b>	<b>benchmark salary + benefits (% of salary)</b>	<b>\$ allocation per ADE</b>
Classroom Staffing Class size 19.8:1	Classroom teacher* 50.51 Specialist teacher 9.67 and Preparation time*	\$76,210 + 10.44%	\$4,251.24 \$813.89
Library Services	Teacher librarian*	1.31	\$110.09
Classroom Consultants	0.41	\$104,908 + 10.20%	\$47.40
Supply Teacher			\$145.72
Education Assistants	0.20	\$44,497 + 26.03%	\$11.22
Professional/Para-Professional	1.73	\$60,336 + 21.02%	\$126.32
Elementary Supervision			\$26.88
Textbooks and Learning Materials			\$69.00
Classroom Supplies			\$82.82
Classroom Computers			\$34.52
<b>TOTAL Primary Per-Pupil Amount</b>			<b>\$5,719.10</b>

NOTE: Pension plan contributions for teachers and other eligible members of the Ontario Teachers' Pension Plan (OTPP) are matched by the provincial government, and are not included in the benefit benchmarks.

**Primary Pupil Foundation Allocation = Grades 1 to 3 ADE x \$5,719.10**

\* Additional funding is recognized through the Teacher Qualifications and Experience Allocation of the Cost Adjustment and Teacher Qualifications and Experience Grant.



<b>JUNIOR and INTERMEDIATE (Grades 4 to 8) Pupil Foundation</b>	<b>#staff per 1,000 ADE</b>	<b>benchmark salary + benefits (% of salary)</b>	<b>\$ allocation per ADE</b>
Classroom Staffing Class size 23.84:1	Classroom Teacher* 41.95 Specialist Teacher 8.16 and Preparation Time* /	\$76,210 + 10.44%	\$3,530.78 \$686.80
Library Services	Teacher librarian* 1.31		\$110.09
Classroom Consultants	0.41	\$104,908 + 10.20%	\$47.40
Supply Teacher			\$145.72
Education Assistants	0.20	\$44,497 + 26.03%	\$11.22
Professional/Para-Professional Support	1.73	\$60,336 + 21.02%	\$126.32
Elementary Supervision			\$26.88
Textbooks and Learning Materials			\$69.00
Classroom Supplies			\$82.82
Classroom Computers			\$34.52
<b>TOTAL Junior and Intermediate</b>			<b>\$4,871.55</b>

NOTE: Pension plan contributions for teachers and other eligible members of the Ontario Teachers' Pension Plan (OTPP) are matched by the provincial government, and are not included in the benefit benchmarks.

**Junior and Intermediate Pupil Foundation Allocation = Grades 4 to 8 ADE x \$4,871.55**

\*Additional funding is recognized through the Teacher Qualifications and Experience Allocation of the Cost Adjustment and Teacher Qualifications and Experience Grant.

<b>INTERMEDIATE (Grades 7 to 8) Pupil Foundation Allocation</b>	<b>#staff per 1,000 ADE</b>	<b>benchmark salary + benefits (% of salary)</b>	<b>\$ allocation per ADE</b>
Guidance Teachers Preparing for Success in High School*	2.60	\$76,210 + 10.44%	\$218.83

NOTE: Pension plan contributions for teachers and other eligible members of the Ontario Teachers' Pension Plan (OTPP) are matched by the provincial government, and are not included in the benefit benchmarks.

**Intermediate Supplementary Pupil Foundation Allocation = Grades 7 to 8 ADE x \$218.83**

\*Additional funding is recognized through the Teacher Qualifications and Experience Allocation of the Cost Adjustment and Teacher Qualifications and Experience Grant.

<b>SECONDARY (Grades 9 to 12) Pupil Foundation Allocation</b>	<b>#staff per 1,000 ADE</b>	<b>benchmark salary + benefits (% of salary)</b>	<b>\$ allocation per ADE</b>
Classroom Staffing	Classroom Teacher*	42.61	\$3,586.33
Class Size 22:1	Student Success	15.15	
Credit Load per pupil 7.5	Teacher and Preparation Time*		\$1,275.12
	Secondary Programming*	1.02	
Library and Guidance Services	Teacher Librarian*	1.02	\$92.58
	Guidance Teacher*	2.60	\$218.83
Classroom Consultants		0.46	\$104,908 + 10.20%
Supply Teacher			\$53.18
Professional/ Para- Professional Support		2.21	\$106.60
Department Head Allowances		9.00	\$60,336 + 21.02%
Textbooks and Learning Materials			\$48.49
Classroom Supplies			\$92.29
Classroom Computers			\$188.87
<b>TOTAL Secondary Per-Pupil Amount</b>			<b>\$45.03</b>
			<b>\$5,954.54</b>

NOTE: Pension plan contributions for teachers and other eligible members of the Ontario Teachers' Pension Plan (OTPP) are matched by the provincial government, and are not included in the benefit benchmarks.

**Secondary Pupil Foundation Allocation** = Grades 9 to 12 ADE x \$5,954.54

\*Additional funding is recognized through the Teacher Qualifications and Experience Allocation of the Cost Adjustment and Teacher Qualifications and Experience Grant.

## Collective Bargaining

In March 2014, the provincial government passed the *School Boards Collective Bargaining Act* (SBCBA). The legislation formalized processes that have been in place since 2004, whereby the government participates in collective bargaining with teachers and school boards around key issues, but also allows local collective bargaining to continue.

Each teacher collective agreement is comprised of two main sections. Part A contains the Central Terms, or those terms that are negotiated at the Provincial Table and are common to all collective agreements. Part B contains the Local Terms, which are bargained locally, as in the past. Items that are considered “central” in nature are not allowed to be changed through local bargaining. As well, any provision found in Part A takes precedence over any residual language in Part B of the collective agreement, unless specifically noted otherwise in Part A.

The SBCBA identifies OECTA as the bargaining agent for all teachers in English Catholic school boards. The Ontario Catholic School Trustees’ Association (OCSTA) is the bargaining agent for the English Catholic school boards. The government sits at the table alongside OCSTA.

Once the Central Terms have been negotiated, each of the parties conducts a ratification vote. A collective agreement for a particular bargaining unit is not in place until the local terms have been ratified by secret ballot.

### Role of the Association Representative in Local Collective Bargaining

Collective bargaining is one of the most important functions of the Association, and the Association Representative’s role in collective bargaining is crucial.

Below is an outline of the collective bargaining cycle.

Action/Event	Timing in Collective Bargaining Cycle
Proposal development	Before the current agreement expires
Finalizing proposal	Before bargaining begins
Negotiations	Before the current agreement expires, until conclusion
Potential for impasse	Before the current agreement expires, until conclusion
Conciliation	Before a strike
“No Board” report	After conciliation
Strike vote	Typically before bargaining begins, but may wait until after and impasse
Sanction	After the current agreement has expired, and at least 17 days after a “No Board” report
Settlement	A tentative agreement has been reached
Ratification	After a tentative agreement has been reached
Working with a settled contract	After all parties have ratified agreement

\*Negotiations may lead directly to a settlement, without steps 4-8

### Proposal development

- In the early stages of proposal development, the Association Representative must bring all their collected complaints, comments, and issues that can be corrected or improved upon through the contract to the attention of the local Collective Bargaining Committee (CBC).

### **Finalizing proposal**

- Association Representatives will likely attend a number of meetings, which contribute to the development of the proposal.
- The final approval mechanism is determined in accordance with the bargaining unit by-laws and past practice. It may be a vote of the general membership, or a representative vote.

### **Negotiations**

- The composition of local CBCs is outlined in local by-laws. In some units, current Association Representatives sit on the local CBC.
- Two-way communications are important. There should be ongoing reports to the membership, as well as the membership having their questions answered and concerns directed to the unit leadership.
- You need to provide the membership with information to have power in negotiations.
- Despite any demands or rumours, actual negotiations information, directly from the local CBC, should be the only reliable source of information.

### **Impasse**

- Issues at the impasse should be made available to Association Representatives.
- Be sure that the unit has identified the issues for you.
- Assess support and pass along the good news or bad news.

### **Conciliation**

- Familiarize your membership with the *Ontario Labour Relations Act*.
- Conciliation is necessary to advance the process. It may or may not lead to a sanction.

### **Strike Vote**

- Include all members on lists.
- Detail who is on leave for pregnancy or parental leave, deferred salary, and all other leaves.
- Include all the part-time teachers and their respective percentage of work assignment.
- Identify long-term occasional teachers.

### **Sanction**

- The Association Representative will likely be a picket captain.
- Be aware of all members' activities.
- Identify and record members fulfilling duties for strike pay.
- Identify and record any strike breakers.
- Assess if the members need more information.
- Inform the Unit President or strike committee contact how well it is going.

### **Settlement**

- Make sure every member has the tentative agreement in summary or full form.
- Alert the Unit President to issues that are causing discussion or controversy among members.
- Assess if the Unit President should visit your school.

### **Ratification**

- Marshall members to polls.
- Ensure that school lists are accurate.
- The Association Representative may speak to support the settlement, or help to give dissenters a clear voice.
- Let the Unit President know the disposition of your school.

### **Working with a settled contract**

- Ongoing contract maintenance is very important.
- Begin to collect issues and concerns for next round, as the contract cycle continues.
- Continue to identify grievances for the Unit Executive.

## **Criminal Records Checks and Offence Declarations**

Regulation 521/01 under the *Education Act* gives school boards sweeping authority to collect criminal background information about all school board employees and service providers.

It is important to distinguish between the two kinds of information that will be required. The relevant definitions, as set forth in the Regulation, are as follows:

**“criminal background check”** means, in respect of a board, a document concerning an individual,  
(a) that was prepared by a police force or service from national data on the Canadian Police Information Centre database within six months before the day the board collects the document,  
and  
(b) that contains information concerning the individual’s personal criminal history;

**“offence declaration”** means, in respect of a board, a written declaration signed by an individual, listing all of the individual’s convictions for offences under the Criminal Code (Canada) up to the date of the declaration,  
(a) that are not included in a criminal background check collected by the Ontario College of Teachers after December 31, 1998 or in the last criminal background check collected by the board under this Regulation, and  
(b) for which a pardon under section 4.1 of the *Criminal Records Act* (Canada) has not been issued or granted;

**“personal criminal history”** means, in respect of an individual, information on criminal offences of which the individual has been convicted under the *Criminal Code* (Canada) and for which a pardon under section 4.1 of the *Criminal Records Act* (Canada) has not been issued or granted to the individual;

A school board must collect criminal background checks from all *new employees* who are hired after March 31, 2002. This information must be collected before employment commences.

The school board is required to collect an offence declaration from *all existing* employees on an annual basis.

Local collective agreements contain provisions around Criminal Records Checks and Offense Declarations.

### **Record Suspension (formerly Pardons) under the *Criminal Records Act***

Information on a teacher’s “personal criminal history” does not include convictions for which a pardon or, more recently, record suspension, has been granted. When a record suspension is allowed under the *Criminal Records Act*, federal agencies that have records of convictions must keep such records separately from other criminal records. The information is removed from the Canadian Police Information Centre (CPIC) database.

The *Criminal Records Act* lists certain sexual offences for which, even if a record suspension is obtained, the record of the offence will be kept separately, but the individual’s name will still be flagged in the CPIC computer system. Should such an individual apply to work or volunteer with a vulnerable sector group, e.g. children, a vulnerable sector check will identify that the individual was convicted of a sexual offense for which a record suspension was received.

Members must be truthful in all declarations or there may be risks to job security. A member should be advised to contact the local unit office immediately should a matter arise around a criminal record check or offense declaration.

Details on how to obtain a record suspension may be found at the National Parole Board’s website at: <https://www.canada.ca/en/parole-board/services/record-suspensions.html>

## Performance Appraisal Procedures

Bill 110, the *Quality in the Classroom Act*, was enacted in December 2001. Teachers have always experienced regular performance appraisals as a normal part of the workplace routine, but this centralized system replaced all locally negotiated systems.

Information regarding parameters around Teacher Performance Appraisal (TPA) can be found in the following areas:

1. *Education Act*, Part X.2 – Teacher Performance Appraisal
2. Regulation 99/02 – Teacher Performance Appraisal
3. Teacher Performance Appraisal Technical Requirements Manual (2010) – Ministry of Education
4. Local collective agreement

Regulation 99/02 details the implementation of Section X.2 of the *Education Act*, laying out the roles and responsibilities involved in TPA.

- Evaluation cycle of five consecutive years.
- Requires Notice of Evaluation within 20 days in an evaluation year.
- Requires mandatory performance ratings as Satisfactory or Unsatisfactory.
- Requires adherence to Ministry of Education guidelines and policies, as well as rules as may be established by the school board.
- Requires pre-observation meeting, completion of the pre-observation form, and a post-observation report.
- Requires principals to discuss parental and pupil input with the teachers.
- Requires finalized teacher learning plans as agreed by the principal and the teacher.
- Requires an annual survey on satisfaction with communication of teachers to parents regarding student progress.
- Requires principals to delete names and words to protect privacy of parents and students, upon request.
- Requires principals to meet with teachers to review parental input.
- Catches part-time and seconded teachers.
- Requires six years of records.

Experienced teachers are subject to a five-year cycle for evaluation purposes. One of those five years will be designated an “evaluation year.” During the other four years, the school board is not precluded from conducting additional evaluations. In each evaluation year, the principal must conduct an evaluation.

Experienced teachers new to a board will receive at least one performance appraisal in their first year of employment at the new board.

There are provisions in the appraisal system for dealing with cases of teachers who are on leave, seconded, or teaching for only one semester. In such circumstances an evaluation may be delayed but it is not missed.

### Process

The appraisal system includes a requirement for the use of “teacher learning plans.” Experienced teachers must prepare, in consultation with their principal, annual learning plans (ALP) that include the teacher’s professional growth objectives, a proposed action plan, and timelines for achieving these objectives. The ALP is teacher-authored and directed. If the year is designated as an evaluation year for the teacher, a meeting between the teacher and the principal is mandated as part of the appraisal process. In completing performance appraisals, principals will use the overall ratings of satisfactory or unsatisfactory.

### Unsatisfactory Rating

In OECTA’s view, an unsatisfactory rating triggers an unnecessarily rapid and negative process.

Within 15 days, the principal must inform the teacher about the rating, discuss it with them, and come up with a written plan to improve performance.

Within 60 days, a second appraisal is conducted. Should a second unsatisfactory rating ensue, the teacher is placed on "review status."

Within 120 days, a third appraisal would normally then be conducted upon being placed on review status. However, the principal and supervisory officer have the discretion to dispense with the third appraisal and allow the second unsatisfactory one to stand if the delay would be "inconsistent with the protection of the best interest of the pupils."

Should the third appraisal be unsatisfactory, or should it not be conducted at all, a recommendation must be made to the school board to terminate the teacher's employment. The board is obligated to make a decision on the matter within 60 days of the recommendation, but in the interim the teacher is either suspended with pay or reassigned other duties. When a teacher is terminated, the school board is required to file a complaint against the teacher with the Ontario College of Teachers. If the board does not vote to terminate, the teacher may return to normal duties.

### **Performance Appraisal for New Teachers**

In order to successfully complete the New Teacher Induction Program (NTIP) requirements, a new teacher must receive two "satisfactory" appraisal ratings in the first 12 months of starting to teach. Once two "satisfactory" appraisals have been achieved, the school board is required to inform the College of Teachers in writing within 60 days that this facet of NITP has been reached. This information is then recorded on the teacher's registration at the College. As with the process for experienced teachers, beginning teachers who are rated "development needed" or "unsatisfactory" trigger a time sensitive process:

- Second appraisal within 12 months.
- If this second appraisal is "unsatisfactory," the teacher is placed "on review" status.
- A third appraisal is required within 120 days from being placed "on review" status.

### **Performance Appraisal for Occasional Teachers**

There are no provisions in the *Education Act* or Regulations that address the appraisal of occasional teachers (OTs) doing daily OT work. Part A, Article 17 of the collective agreement outlines the process whereby OTs can be hired into permanent positions, and it requires that the OT have a positive evaluation. In 2012, the Ministry of Education produced an OT evaluation template that was adopted by school boards and locals for use as a standardized evaluation tool for OTs who are in a long-term occasional (LTO) assignment. This evaluation process is mandatory for every teacher in their first LTO assignment of four or more months with any given school board.

### **Advice for Association Representatives**

The legislation and regulations that govern teacher performance appraisal have been in place for a number of years, and during this time OECTA has taken action to protect teacher rights by negotiating related provisions into local collective agreements. Inappropriate evaluations, or those that fail to follow due process, can still be grieved. Procedural fairness and just cause must be provided through the collective agreement and the bargaining of these employment matters.

Association Representatives must forward to members all communications coming from either the local unit office or the Provincial Office with respect to performance appraisals for teachers. The system has rapid and inflexible timelines. Association Representatives need to stress to members the need to move quickly in keeping the local unit office informed about any concerns about individual evaluations.

Principals should be restrained by the collective agreement. Units must open a grievance file for any member under "unsatisfactory performance appraisal" or "review status." Unit presidents should be aware of all teachers who are in an evaluation year, on a school-by-school basis, via provisions in the

collective agreement. As well, unit presidents should be given notice of any “unsatisfactory” or “needs improvement” ratings.

Additional competencies, evaluation of extra-curricular activities, and “Catholic” look-fors have been vigorously opposed by OECTA and have no place in the teacher performance appraisal system.

Additional resources are available online at:

<https://www.catholicteachers.ca/Members-Centre/Teacher-Performance-Appraisal>

## **Grievances**

Grievances usually begin at the unit level. If a teacher or a group of teachers feel that the collective agreement has been violated, they should approach the Unit President or Grievance Officer. Concerns regarding violations of the collective agreement need to be brought forward in a timely manner as collective agreement language places time limits on the process.

The unit release officer(s) will take the lead to assist the member(s) by processing the grievance at the early stages. Provincial Office is also advised of the grievance at the earliest stages, and the appropriate Staff Officer will confirm support of the grievance, give direction for the grievance to be set up on the Association’s database, and have a grievance number assigned.

The collective agreement will outline the steps of the grievance process. These provisions generally require the local parties to meet to discuss the grievance, with the goal of resolving the matter as early as possible. The first meeting is usually with the Superintendent of Human Resources. If the grievance remains unresolved, a second meeting is usually with the Director of Education.

When a grievance approaches the arbitration stage, the Staff Officer from the OECTA Provincial Office will make a recommendation to the Provincial Executive as to whether support for arbitration should be given. The Staff Officer then works with legal counsel to prepare the grievance for presentation at arbitration.

Arbitration is an adjudicative process given life through the *Ontario Labour Relations Act*. At this stage, lawyers for the Association and for the school board will agree on a Ministry of Labour arbitrator who will hear the grievance. The hearing proceeds much like court but is less formal – opening statements are given by each side, evidence in both written and oral forms is entered into the record, witnesses are questioned and cross-examined, closing statements are made by the each side, then the arbitrator goes away and writes a decision that is binding on the parties. These written decisions can be found on any number of legal databases, such as [www.CanLii.org](http://www.CanLii.org)

Part A, Article 20 of the collective agreement contains language for a Central Dispute Resolution mechanism for any dispute that arises from any article in Central Terms. This is an alternative process that features pre-set dates with a small number of arbitrators, to hear matters in an expeditious manner. A decision by an arbitrator in this process is binding on all Catholic school boards in the province.

The role of the Association Representative in the grievance process is twofold:

- i) To be conversant with the collective agreement and aware of the article relating to grievances in order to advise a staff member seeking information.
- ii) To assist in gathering all information relating to the alleged violation of the collective agreement, such as the names of witnesses, a chronology of events, and any documentation related to the violation.

## **Employment Insurance (EI)**

There are two types of EI Benefits:

- Regular benefits, which are paid to teachers who are unemployed and looking for work.
- Special benefits, which are paid to teachers who:
  - i) Cannot work due to illness and are not entitled to paid sick leave.



- ii) Are accessing pregnancy/parental leave.
- iii) Are accessing compassionate care leave benefits.

A special benefit can interrupt a regular benefit while unemployed.

Teachers currently pay \$0.0166 on each dollar earned up to a maximum annual premium of \$858.22. This amount may be amended up or down annually.

Each member's ability is dependent upon three hours-related factors:

- i) The number of "insurable hours" worked in the previous 52 weeks.
- ii) Whether the member is considered a "new entrant" or a "re-entrant."
- iii) The type of benefit being claimed.

Insurable hours are actual hours worked for which premiums were paid. These are reported on the Record of Employment, which must be issued when you leave employment.

Members seeking "regular benefits" are required to have from 420 to 700 hours of insurable earnings, depending upon the regional rate of unemployment. Specific information for your region is available from your local Service Canada office. Assistance can also be sought from your local Unit President.

Those members seeking special benefits (pregnancy/parental, sickness and compassionate care, family caregiver) require a minimum of 600 insurable hours in the previous 52 weeks. Most school boards record seven hours of insurable earnings for each school day worked; however, there are some school boards that report eight hours of insurable earnings for each school day worked. The current maximum EI weekly benefit is \$547.

For more information, visit <https://www.canada.ca/en/services/benefits/ei.html>

### **Pregnancy and Parental Rights**

The payment of Employment Insurance Special Benefits is governed by federal law, while leaves of absence and pregnancy/parental benefits are regulated by the *Ontario Employment Standards Act*.

Local collective agreements may also contain provisions and other benefits relating to pregnancy/parental leave. Members are reminded to contact their local unit for specific information and timelines.

Members may also continue to contribute to the Ontario Teachers' Pension Plan while on statutory leave. Local units can provide assistance in these processes.

The Association has prepared a comprehensive booklet to guide members through the pregnancy/parental leave process. *A Guide to Pregnancy and Parental Leave* can be found in the For Your Benefit section at [catholicteachers.ca](http://catholicteachers.ca).

For quick reference, you should be aware of the following:

- Pregnancy leave can be for up to 17 weeks, beginning no earlier than 17 weeks before the expected date of delivery.
- Parental leave can be for up to 61 weeks for the natural mother, or up to 63 weeks for all other new parents.
  - This leave follows pregnancy leave for the natural mother.
  - Adoptive parents or the natural father must begin leave no later than 78 weeks after birth, or arrival in the parent's care.
  - Parental leave taken by the non-birth parent may overlap with maternity leave, but this does not increase the total number of weeks available.

### **Requirements**

- Must have been employed at least 13 weeks by the same employer.
- Must give a minimum of two weeks' notice of leave.
- Must give four weeks' notice to change end date.
- The OECTA Employee Life and Health Trust will continue to pay its share of benefits.

- Salary and seniority credit continue to accumulate.
- Teachers have a right to return to a position similar to the one they vacated.
- “Parent” means natural, adoptive, or a person in a relationship of some permanence.

Part A, Article 14 of the collective agreement provides for eight weeks of top-up to 100 per cent of salary. Part B of your collective agreement may provide for a superior benefit. Contact your local unit office for more information.

### **Occupational Health and Safety**

Workplace safety is governed mainly by the *Occupational Health and Safety Act* (OHSA). Below are some useful definitions, to help you address questions and concerns about health and safety in your school.

“certified member” means a committee member who is certified under section 7.6;

“committee” means a joint health and safety committee established under this Act;

“competent person” means a person who,

- (a) is qualified because of knowledge, training and experience to organize the work and its performance,
- (b) is familiar with this Act and the regulations that apply to the work, and
- (c) has knowledge of any potential or actual danger to health or safety in the workplace;

“employer” means a person who employs one or more workers, or contracts for the services of one or more workers, and includes a contractor or subcontractor who performs work or supplies services, and a contractor or subcontractor who undertakes with an owner, constructor, contractor, or subcontractor to perform work or supply services;

“health and safety representative” means a health and safety representative selected under this Act;

“supervisor” means a person who has charge of a workplace, or authority over a worker;

“trade union” means a trade union as defined in the *Labour Relations Act, 1995* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in a workplace, and includes an organization representing workers or persons to whom this Act applies where such organization has exclusive bargaining rights under any other Act in respect of such workers or persons;

“worker” means any of the following, but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program:

1. A person who performs work or supplies services for monetary compensation.
2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.

“workplace” means any land, premises, location, or thing at, upon, in, or near which a worker works

“workplace harassment” means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment;

“workplace sexual harassment” means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or

- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

“workplace violence” means,

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

### **Joint Health and Safety Committee**

The foundation for the OHSA is the Internal Responsibility System (IRS) – a principle designed to ensure that all workplace parties share a role in keeping the workplace safe.

Joint Health and Safety Committees (JHSCs) are appointed in all workplaces where there are 20 or more employees. This is a forum for bringing the IRS into practice. The committee consists of labour and management representatives, who meet on a regular basis to deal with health and safety issues. The advantage of a joint committee is that the in-depth practical knowledge of specific tasks (labour) is brought together with the larger overview of company policies and procedures (management). Another significant benefit is the enhancement of co-operation among all parts of the workforce toward solving health and safety problems.

School boards are responsible for ensuring that JHSCs are in place within the jurisdiction of each board. Each school board and the Association must set up a functioning JHSC. Once established, the JHSC meets and determines the Terms of Reference for the committee.

The school board and the unions may agree on the structure for the JHSC.

- In some instances, there is one committee for the school board, which represents all of the teacher bargaining units and the employer, followed with Health and Safety Representatives at each school.
- In other situations, JHSCs are comprised of representatives from all the various unions and worker groups within the school board, as well as management.
- There can also be separate JHSCs for each respective employee group. For example, there would be an elementary JHSC, a secondary JHSC, and a CUPE JHSC/Support Workers JHSC.

School boards are multi-site employers. As such, where a central JHSC is in place, the Terms of Reference for the Structure and Guidelines of the JHSC must be approved by the Minister of Labour through the Regional Directors. This is governed by Section 9(3.1) of the OHSA, as an alteration to the requirement under the Act for a JHSC at each worksite.

### **Occupational Health and Safety Inspections/Audits**

School inspections are the responsibility of the Joint Health and Safety Committee. The worker members of the JHSC designate the worker member(s) of the JHSC who will be responsible for the inspections of the workplace(s). The schedule for inspections is established by the JHSC. Each school board may have a different setup in terms of how inspections are conducted and how the reporting system may work. This particular arrangement would be determined by the Joint Health and Safety Committee. Each school may also have a Health and Safety Representative, either through the *Occupational Health and Safety Act* or through the structures of the local OECTA unit. Inspections must occur once per month onsite. The entire workplace must be inspected.

The teacher Health and Safety Representatives, in a site-based model, are responsible for keeping the JHSCs informed of any concerns that teachers raise at the school level. There may be other duties assigned to the Health and Safety Representative, dependent on the structure agreed to between the school board and the unit. If there is no Health and Safety representative appointed by the local unit, then the responsibility of informing the worker co-chair of the Joint Health and Safety Committee usually rests with the Association Representative.

If the responsibility lies with the Association Representative, it is also important for the information to be communicated to the Unit President immediately. The procedures for communicating with the local unit will be developed by the local OECTA Unit Executive. These procedures can be added to this section of the Association Representative Handbook for quick and easy reference.

## **Frequently Asked Questions**

### **1. What rights does the OHS Act give to workers?**

Workers' rights under the OHS Act include:

- The "right to participate" to be part of the process of identifying and resolving health and safety concerns. This right is expressed mainly in the requirements for Joint Health and Safety Committees and representatives.
- The "right to know" about any hazards to which they may be exposed. The requirements of the Workplace Hazardous Materials Information System (WHMIS) are an important example.
- The "right to refuse work" that they believe is dangerous and, under certain circumstances, certified Joint Health and Safety Committee members can stop work that is dangerous.
- The Act prohibits reprisals being taken against workers who exercise these rights.

### **2. Do workers have duties under the OHS Act?**

Workers have a general duty to take responsibility for personal health and safety, which means they should not behave or operate equipment in a way that would endanger themselves or others. Section 28 of the OHS Act lists additional specific duties:

- Work in compliance with the Act and regulations.
- Use any equipment, protective devices, or clothing required by the employer.
- Tell the employer or supervisor about any known missing or defective equipment, or protective device that may be dangerous.
- Report any known workplace hazard or violation of the Act to the employer or supervisor.
- Not remove or make ineffective any protective device required by the employer or by the regulations.

### **3. How do workers participate in workplace health and safety?**

The main way that workers can participate in workplace health and safety is through exercising their rights and duties in a responsible manner and by supporting their Joint Health and Safety Committee. The JHSC is made up of worker and management representatives and has the power to:

- Identify hazards
- Obtain information from employer
- Make recommendations to employer
- Investigate work refusals
- Investigate serious accidents

### **4. What can a worker do about unsafe conditions at work?**

Health and safety concerns should first be brought to the attention of the employer or supervisor. If nothing is done, it can be taken to the worker's Health and Safety Representative or the JHSC. If the situation is not corrected, it can be reported to the nearest office of the Ministry of Labour. Workers also have the right to refuse unsafe work. OHS Act Section 43 outlines the procedure that must be followed, and this process should be understood before a refusal is initiated. More information can be obtained from local ministry offices.

## **5. What should a worker do if injured at work?**

Obviously, an injured worker's first priority should be to get proper medical attention and have the medical practitioner complete a WSIB Form 8. Ensuring that necessary medical treatment is provided is the responsibility of the employer. It may initially take the form of first aid from a trained co-worker, or require transportation to, and treatment at a hospital.

The injury-causing incident must also be reported to the worker's supervisor or employer, so that the employer's responsibilities under the *Workplace Safety and Insurance Act, 1997* can be met. One of these responsibilities is completion of a WSIB Form 7. More information on workplace safety insurance (formerly known as workers' compensation) is available from the WSIB, and the local unit office.

## **Employers**

### **6. What duties does the OHSa place on employers?**

OHSa Section 25 assigns a mixture of general and specific duties to employers and provides for other duties to be prescribed (required) by regulation. Some of the general duties require an employer to:

- Take all reasonable precautions to protect the health and safety of workers.
- Ensure that equipment, materials, and protective equipment are maintained in good condition.
- Provide information, instruction, and supervision to protect worker health and safety.
- Co-operate with the JHSC.

Some of the specific duties require an employer to:

- Comply with all regulations made under the OHSa.
- Develop and implement an occupational health and safety program and policy.
- Post a copy of the OHSa in the workplace, as well as any explanatory material prepared by the Ministry of Labour.
- Provide health and safety reports to the JHSC.

OHSa Section 26 details a number of other areas where additional duties for an employer may be prescribed. Regulations give more specific directions on how to comply with the general requirements of the OHSa.

Employers also have duties with respect to workplace violence and workplace harassment.

### **7. Do teachers have the right to refuse unsafe work?**

Teachers have the right to refuse unsafe work. However, this right is limited in that the teacher must ensure the safety of the students in their care. According to Regulation 857, Section 3(3), "Part V of the Act does not apply to a teacher where the circumstances are such that the life, health or safety of a pupil is in imminent jeopardy." The procedure for a work refusal is outlined in the *Occupational Health and Safety Act*. The teacher must report to the principal that the teacher is exercising their rights under the Act. The principal is responsible for investigating the situation immediately in the presence of the teacher and a Joint Health and Safety Committee member.

Where possible, the teacher should contact the OECTA representative on the JHSC, as well as the local Unit President, for advice regarding work refusal.

### **8. When can a teacher refuse to work?**

A teacher can refuse to work if they have reason to believe that continued work in that particular situation will endanger themselves or another teacher. The teacher does not have to be correct in their perception, but must truly believe that there is danger.

### **9. Can the principal or the board assign the teacher to another classroom if there is a work refusal?**

If the reason for the work refusal was a particular room, for example a portable classroom, then the principal could reassign the teacher to another classroom for a temporary period of time. This does not allow the principal to ignore the work refusal. The situation must still be investigated. The teacher who has exercised the work refusal has a right to be present at the investigation.

### **10. Are schools required to be inspected?**

In accordance with the Act, all worksites must be inspected by members of the Joint Health and Safety Committee. The schedule for inspections is determined by the JHSC. Schools must be inspected a minimum of once per month. The teacher representative is selected solely by the teacher members of the JHSC. In the case of a multi-union JHSC, the worker representative who inspects the schools could be an individual who is not a teacher. This should be outlined in the Terms of Reference.

### **11. Can a teacher be disciplined for refusing to work?**

No. The teacher has protection under the Act. The board is not allowed to penalize, dismiss, suspend, or threaten to do any of these things if the teacher has exercised their rights under the Act. This also includes if a teacher is required to testify or give evidence at a hearing.

### **12. What if a teacher believes that they have been disciplined by the board?**

Any teacher who believes that they have been disciplined by the board, including the school administration, should contact the Association Representative immediately. The local unit, in consultation with the OECTA Provincial Office, will determine the best course of action. The teacher also has the right to file a complaint with the Ontario Labour Relations Board. The Ministry of Labour can also assist in such situations, acting as a conciliator. The Ministry of Labour does not play an enforcement role and cannot issue any orders in these circumstances. The OHS Act protects workers from reprisals by the employer.

### **13. Who is covered by the OHS Act?**

The OHS Act applies to almost every worker, supervisor, employer, and workplace in Ontario, including workplace owners, constructors, and suppliers of equipment or materials to workplaces covered by the Act.

#### **Refusing Unsafe Work**

Although teachers' rights to refuse unsafe work has limitations with respect to pupil safety, this does not prohibit a teacher from refusing unsafe work, including in situations involving violence. It means that the imminent danger to a pupil must be controlled, and then the teacher can refuse work.

A recent Ontario Labour Relations Board decision (*TECT/OECTA v. Toronto Catholic District School Board, 2017 CanLII 37597 [ON OLRB]*) went further, stating that "imminent jeopardy" and "likely to endanger" are two different standards.

- The "likely to endanger" standard allows a teacher to refuse work so long as they have a reasonable basis to believe that violence is likely to endanger them at some point either at the time of the work refusal or in the near future.
- The teacher does not need to be in actual or imminent danger before they can initiate a work refusal.

## Process for Refusing Unsafe Work

### First Stage

Worker considers work unsafe.



Worker reports refusal to their supervisor or employer.  
Worker may also wish to advise the worker safety rep. and/or management rep.  
Stays in safe place.



Employer or supervisor investigates in the presence of the worker and the worker safety representative.



### If Issue Resolved

Worker goes back to work.



### If Issue Not Resolved

Proceed to the second stage.



### Second Stage

With reasonable grounds to believe work is still unsafe, worker continues to refuse to work and remains in safe place.



Worker, or employer, or someone representing worker or employer calls the Ministry of Labour.



Ministry of Labour Inspector investigates in consultation with the worker, safety rep., and supervisor or management rep.



Inspector gives decision to worker, management rep./supervisor, and safety rep., in writing.



Changes are made if required or ordered.  
Worker returns to work.

### Pending the Ministry of Labour investigation:

- The refusing worker may be offered other work if it does not conflict with a collective agreement.
- Refused work may be offered to another worker, but management must inform the new worker that the offered work is the subject of a work refusal. This must be done in the presence of:
  - a member of the Joint Health and Safety Committee who represents workers; or
  - a health and safety representative, or
  - a worker who, because of their knowledge, experience, and training is selected by the trade union that represents the worker – or, if there is no trade union, by the workers – to represent them

### Requirement for the OHS Bulletin Board

The bulletin board is to be separate and dedicated to information related to Occupational Health and Safety. It should be located in the staff room or a workroom normally used during the day by staff.

Posters	Relevant Section of the Act
"Health & Safety at Work: Prevention Starts Here" WSIB "Requirements to Report Injuries" (Form 82) "Employment Standards in Ontario"	<i>Occupational Health and Safety Act (OHS)</i> <i>Workplace Safety and Insurance Act (WSIA), 1997, Sec.3</i> <i>Employment Standards Act (ESA), 2000</i>
A copy of the <i>Occupational Health and Safety Act</i> (thick, little green book)	OHS, Sec.25(2)(i)
The occupational health and safety policy	OHS, Sec.25(2)(k)
Records of the levels of biological, chemical, or physical agents in the workplace	OHS, Sec.26(1)(f)
Names and locations of the JHSC members	OHS, Sec 9(32)
Annual Workplace Safety and Insurance Board (WSIB) summary	OHS, Sec.12(2)
Workplace violence and workplace harassment (including sexual harassment) policies	OHS, Sec.32.0.1 (2)
Orders of Ministry of Labour (as received)	OHS, Sec.57(10)(a)
A notice of compliance with an order	OHS, Sec.59(3)
Results of monitoring of airborne concentrations of a designated substance and worker exposure to airborne concentrations of a designated substance	Designated Substances Regulation, Sec.25(a)
The valid first aid qualifications of people on duty An inspection card, where inspection dates/signature of person inspecting first aid kits can be indicated	Ontario Regulation 1101

Optional items that may be posted include:

- The latest minutes of the school-based JHSC meeting.
- Site Fire Alarm Procedure
- Site Crisis Response Plan
- Health and Safety memos
- Information concerning accident prevention or health
- Any other information relating to health and safety, as supported by the JHSC

### Workplace Safety and Insurance Board

The Workplace Safety and Insurance Board (WSIB), formerly the Workers' Compensation Board, provides insured benefits to workers with work-related injuries or illnesses, under the *Workplace Safety & Insurance Act* (WSIA), effective January 1, 1998. Each claim is considered and treated separately, and benefits are based on each individual situation.

#### To receive WSIB insured benefits you must:

- Have a worker-employer relationship.
- Have an injury or illness that is directly related to your work.



- Promptly file a claim and give consent to the release of functional abilities information to your employer by a health professional treating you.
- Provide all relevant information to help the WSIB decide on benefits.
- Co-operate in your health care treatment.
- Co-operate in any early, safe return to work.
- Report to the WSIB any material change in your circumstances. Material change includes, but is not limited to, any change in your income, your return to work status, or your medical condition.

#### **Does the employer have access to medical information?**

- The employer only has access to medical information with your permission. In most cases, access is denied unless an appeal is in process.
- The employer is entitled to functional abilities information throughout the life of the claim, which is disclosed through the WSIB Functional Abilities Form (FAF).
- Make sure to check with your Unit President or the Bargaining and Contract Services department at the OECTA Provincial Office before you sign any authorization for release of medical reports.

#### **What is insurance for lost income?**

- If you miss time from work because of a work-related injury or disease, the WSIB will provide insured payments for loss of earnings.
- The amount paid for loss of earnings is based on 85 per cent of your pre-injury take-home earnings, less any earnings you may have after the injury, up to a maximum amount.
- The 2018 maximum is \$90,300. Part A, Article 13 of the collective agreement provides for a top-up of WSIB Loss of Earnings (LOE) to 100 per cent of salary.

#### **How long can a worker receive loss of earnings payments?**

- The LOE benefit is normally paid beginning the day after the injury (your employer must pay for your wages on the day of injury) or whenever your loss of earnings begins.
- The LOE benefit will be stopped when you are no longer impaired as a result of the injury.

The LOE benefit will stop being paid when you turn 65 years old. For workers who are aged 63 or older at the time of the injury, your LOE benefit can be paid for up to two years from this date, as long as you have a loss of earnings because of the workplace injury or disease.

#### **Reviews**

- Your LOE benefit may be reviewed by the WSIB every year, or where there is a material change in your circumstances, until the 72nd month after the injury.
- Reviews and changes to the LOE benefit are not permitted after 72 months, unless there is a material change that occurred prior to 72 months that you did not report to the school board.

What other insured benefits does the WSIB pay?

- The WSIB also pays other costs related to the workplace injury or disease.
- Again, these depend on individual circumstances.

#### **Insured benefits may cover:**

- Health care costs (e.g. physiotherapy, massage therapy)
- Medical costs (e.g. knee brace)
- Prescription drug costs
- Special clothing or footwear costs
- Transportation costs

#### **What is a NEL benefit?**

- The WSIB pays a benefit to injured workers with workplace injuries or diseases severe enough to cause a permanent impairment.

- This non-economic loss (NEL) benefit recognizes your loss of physical, functional, and psychological function due to this impairment. (For more information about this benefit see the NEL benefit fact sheet.)

### **Common WSIB Paperwork**

- Form 7: Employer Report of Injury/Disease
  - The employer is required to report an injury or occupational disease to the WSIB within 72 hours of becoming aware by completing and submitting a WSIB Form 7.
  - Most school boards utilize an in-house "incident report form" that is completed by the injured worker which is then used to complete Form 7.
  - The worker should sign a copy of Form 7 and the employer must provide the injured worker with a copy of the completed document.
- Form 8: Health Professional's Report
  - When the injured worker first seeks medical assistance for the injury or occupational disease, the medical practitioner should complete Form 8 and submit it directly to the WSIB.
  - Even if the teacher is not able to return to work, a discussion about return to work should take place, as that is an important section on the form.
  - The injured worker should ensure that the nature of the accident is carefully described and areas of injury to the body are fully documented.
  - If the claim is for Chronic Mental Stress, then the physician or nurse practitioner should complete and submit the CMS Form 8.
- Form 6: Worker's Report of Injury/Disease
  - The injured worker is also required to submit Form 6, which is their own description of the accident, and must include a listing of those parts of the body that were injured.
  - In reviewing the entitlement for the claim, the WSIB's Eligibility Adjudicator will compare the descriptions of the accident that are provided on each of these three forms.

### **OECTA Assistance for Injured Workers**

The Association provides assistance to members who have sustained workplace injuries and have to navigate the often difficult world of workers' compensation at the WSIB.

The local unit will be involved in two facets of a WSIB claim. The first is return to work/workplace accommodation.

- As in any matter of accommodation, the local unit must be directly involved to protect the rights of the injured worker when meeting with the school board and the WSIB to arrange a return to work plan.
- It is important for the Association Representative to be aware of accommodated work and assist these vulnerable members when problems arise with their return to work plans.

The second area in which the local unit will have involvement is when there is a denial of some aspect of a claim, such as LOE is reduced or cut off, or a health benefit is no longer provided.

The first level of challenge is a written submission known as a "reconsideration."

- The injured worker and the unit office will work together to assemble this document.
- Note that appeal timelines are usually six months from the date of the WSIB's decision letter, and in most cases extensions are not granted.

Should a reconsideration submission result in another negative decision, the matter moves to the first level of formal appeal, before the Appeals Resolution Officer (ARO). If a member wants assistance from the Association, the file is first reviewed by the Staff Officer assigned to the portfolio and a recommendation for support by OECTA legal counsel is made to the Provincial Executive.

Should an appeal not be successful before the ARO, the Association may support an appeal to the Workplace Safety and Insurance Appeals Tribunal (WSIAT). The decision of WSIAT is final.

For more information, visit [www.wsib.on.ca](http://www.wsib.on.ca)

## **COUNSELLING AND MEMBER SERVICES**

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The primary function of the Counselling and Member Services (CMS) department at the OECTA Provincial Office is to respond to inquiries from members that do not fall clearly under Bargaining and Contract Services, Professional Development, Finance, Member Services, or Administration.

Often there are overlaps. The problems dealt with by the CMS department cover a wide range of professional or job-centered difficulties as well as matters that, while based in family or private life, affect professional performance or relations.

Such is the nature of these issues and such is the potential effect upon basic employment that the utmost confidentiality and sensitivity are required in dealing with them. Out of respect for the sensitivity of a situation, there are occasions when the local unit is not informed. Increasingly, however, the local Unit President is an early contact for the member, and refers the member to the Provincial Office.

We all must be acutely aware of the need for correct information and advice for members in crisis. Providing incorrect or incomplete information or advice may cost a member dearly; it may also leave an individual in an official capacity liable to legal action by the person wronged in the process. To ensure the accuracy of advice to members, it is always prudent to check with your local unit office or a Staff Officer of the Counselling and Member Services department at the OECTA Provincial Office.

CMS department members provide assistance in the following areas:

- General counselling
- Legal advice/assistance to members
- Criminal charges
- Dismissals and contract termination
- Teacher assault
- Career planning/career change
- Employee Assistance Programs
- Harassment policies/human rights complaints
- Performance appraisal
- Electronic/digital communication
- Pension matters
- Denominational rights issues
- Professional ethics
- Safe schools issues
- *Youth Criminal Justice Act*
- College of Teachers – investigations, hearings, and certification issues
- Dire Distress Grants
- Long Term Disability cases and appeals
- Leadership Training Program co-ordination
- Interpersonal conflicts in the workplace
- Teacher exchange program information
- OECTA Discipline Board – investigation of complaints, staff liaison for discipline hearings

### **CMS Publications**

The department has developed various documents and a video to assist members. These resources are available in the For Your Career section at [catholicteachers.ca](http://catholicteachers.ca), under Professional Advice. The current titles are:

- Managing Stress and Promoting Wellness: A guide for teachers on managing stress in the workplace and beyond
- On Thin Ice: Maintaining Professional Boundaries (booklet)
- On Thin Ice: Maintaining Professional Boundaries (video)
- Safety in Schools: What You Need to Know

- Relationships: Appropriate and Professional
- Building Positive Relationships with Parents
- Electronic Communications: Appropriate and Professional
- Reporting Child Abuse: *Teachers and the Child and Family Services Act*

### Legal Assistance Cards

Since 2002, OECTA has produced a Legal Assistance for Members card, also referred to as the “caution card.” It is meant to provide advice to members who may be the subject of an investigation.

The card is distributed to all members through their Association Representative. If there are any new members in your school, or any occasional teachers who have not received a card, please contact your local Unit President.

**LEGAL ASSISTANCE FOR MEMBERS**

If you are being investigated by the police, the Children's Aid Society (CAS), the Ontario College of Teachers, and/or your school board:

- CONTACT** your local OECTA unit or the Provincial Office **IMMEDIATELY**.
- DO NOT** provide any information or make any statements without first consulting with OECTA staff or legal counsel.
- This is the **ONLY** statement you should make: "I am willing to cooperate but I am unable to comment until I contact OECTA or any legal representative."

ONTARIO ENGLISH  
**Catholic Teachers**  
ASSOCIATION

**416-925-2493**  
**1-800-268-7230**

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**If the College is asking about a colleague:**

- You must cooperate with the College or risk a charge of Professional Misconduct.
- Give only information you have personally witnessed and can verify.
- Do not make any assumptions unless you can verify all the facts.
- Remember 18 (1)(b) and (c) of the *Teaching Profession Act*.

18. (1) A member shall,  
 (b) on making an adverse report on another member, furnish him with a written statement of the report at the earliest possible time and not later than three days after making the report;  
 18. (1) (c) duty to report does not apply to allegations of sexual abuse of students

### Teacher Advisor/Casebook Diary

The Counselling and Member Services department has maintained a tradition of writing articles in areas of counselling and related issues, to help teachers deal with potential on-the-job problems. Formerly known as Casebook Diary, Teacher Advisor is currently a regular column in Catholic Teacher magazine. Archived articles of Casebook Diary and Teacher Advisor can be found in the For Your Career section at [catholicteachers.ca](http://catholicteachers.ca), under Professional Advice.

### CMS Workshops

Along with the publications mentioned above, the Association provides advice and guidance to members through seminars and workshops on a variety of topics. The following is a list of workshops offered by the CMS department. In many instances, these workshops have been tailored to the various needs identified by local units, as well as the particular audience. To book a workshop, the local Unit President must contact their unit's assigned Staff Officer in the Counselling and Member Services department.

### Bullying in the Workplace

This workshop identifies the various types of workplace violence and bullying within the school/ education setting and the impact it has on the workplace. The focus of this workshop is on teachers being victimized and bullied. We also examine rights and responsibilities in the prevention and management of bullying practices in the workplace.

### Conflict Management

Colleagues, students, parents, and administrators regularly challenge teachers. Poorly managed conflict causes frustration. Well-managed conflict can be productive. This workshop helps teachers enhance their conflict management skills.

### Dealing with Difficult People

This workshop reviews how best to identify difficult behaviours and how best to manage people with these difficult behaviours. The workshop focuses on conflict management strategies and intervention.

### **Electronic Communications and Social Media: Appropriate and Professional**

This workshop addresses the various pitfalls of inappropriate use of electronic communications and social media by teachers. Emphasis is on awareness, prevention of misuse, and possible ramifications of inappropriate use.

### **Exploring the Ethical Standards for the Teaching Profession (OCT Approved Course for Member Discipline Cases)**

This workshop ensures that members who have been investigated by the OCT and directed to take an Ethical Standards Course as part of the discipline understand the concepts of ethical practice. Members review the College of Teachers Ethical Standards and Standards of Practice for the Teaching Profession, as well as other relevant legal references. They reflect upon the principles and values that guide their thinking and actions in professional practice, deepen their understanding of the significance of the Ethical Standards for the Teaching Profession and professional boundaries. It examines ethical knowledge that guides educators through a process of making judgments, discerning why they made those judgments, and analyzing rationales along with the implications of those choices. The workshop reviews the laws and their guiding principles for teachers with respect to their professional obligations to students, parents, colleagues, and administrators, and develops an understanding of their responsibilities when using electronic communication or social media.

### **Faculty of Education In-Service**

This workshop is geared to Faculty of Education students. The emphasis is on Professional Boundaries with students, parents, and colleagues.

### **Financial Wellness**

This workshop is designed for beginning and mid-career teachers. It reviews the importance of understanding how best to maximize their collective agreement (grid structure and movement, QECO Program 5, benefit packages) and includes information on their Teachers' Pension Plan.

### **Fostering Positive Parent Relationships**

This workshop focuses on effective communication tools that teachers can use to keep parents informed. The workshop discusses the communication practices that promote a partnership with parents and enhance students' school success. Teachers learn strategies to address difficulties that may arise in communicating with parents.

### **Managing Stress in the Workplace - Steps for Reducing Stress**

Teachers today are facing structural and curriculum changes that can result in high levels of stress and burnout. This workshop explores the sources of stress and provides practical suggestions for effective stress management. This workshop is accompanied by the booklet, *Managing Stress and Promoting Wellness: A Guide for Teachers on Managing Stress in the Workplace and Beyond*.

### **Maternity/Parental Leave Workshop**

This workshop is designed for members who are having children or planning to do so. It reviews *Employment Insurance*, the *Employment Standards Act*, and the central and local collective agreements with respect to pregnancy, parental, and extended leaves. It also reviews buy-back for pension credit.

### **New Hire-In-service**

This workshop is designed for new hires and provides a brief overview of the following topics: the assertive professional, maternity/parental leaves, professional boundaries, and the Ontario Teachers' Pension Plan.

### **On Thin Ice – Maintaining Professional Boundaries**

This workshop addresses the various complaints made against teachers by parents, the Children's Aid Society, police, and the Ontario College of Teachers. Emphasis is on prevention and early assistance to minimize negative impact on members. The workshop includes presentation of a video with an

accompanying booklet that explains what teachers can do to avoid false allegations, what to do if they find themselves under investigation, and how to maintain appropriate professional boundaries.

### **Professional Boundaries (OCT Approved Course for Member Discipline Cases)**

This workshop ensures that members who have been investigated by the OCT and directed to take a Professional Boundaries Course as part of the discipline understand the concepts of ethical practice and professional boundaries, current legislation and case law related to professional boundaries, and the difference between boundary crossings and boundary violations. Members review various case studies and scenarios and how to identify boundary crossings and boundary violations. They review a comprehensive list of prevention strategies, situations of differential power relationships and dual relationships, and the College of Teachers Ethical Standards and Standards of Practice for the Teaching Profession, as well as other relevant legal references.

### **Progressive Discipline: A New Era in Safe Schools**

What are the safe schools provisions of the *Education Act*, and what affect do they have on health and safety in schools? How can teachers use the legislation to ensure a safe work environment? Participants examine the Act and its application within the school system in detail. Emphasis is placed on the implementation of the latest safe schools legislation.

### **Relationships Appropriate and Professional**

This workshop focuses on how to build positive and professional relationships with colleagues, students, parents, and administration. It also addresses boundary issues and ethics within relationships.

### **Roles and Duties of Staff Representatives**

This workshop is intended for local unit executives and OECTA staff reps. This workshop reviews the roles and duties of staff reps with particular emphasis on the Association's legal obligations under the *Ontario Labour Relations Act*.

### **Teacher Liability Issues**

An increasing number of teachers become involved in civil suits as a result of their work as a teacher inside and outside of the classroom. This workshop examines various liability issues that teachers encounter in the classroom, as well as during supervision and extra-curricular duties. The emphasis is on preventative strategies.

### **The Assertive Professional**

Professionals at all levels need the ability to project their thoughts and ideas with an assertive communication style. The skill of expressing opinions confidently and clearly is critical. In this workshop, participants gain the knowledge and skills to proactively and effectively apply appropriate levels of assertiveness in a professional manner.

### **The Duty to Report**

This workshop reviews a teacher's legal obligations to report under the *Child and Family Services Act*, the *Safe Schools Act*, and the *Teaching Profession Act*. The Ontario College of Teachers professional advisories on Safety in Learning Environments and Duty to Report are considered.

### **Pension Workshops**

The department offers two types of pension workshops.

#### **Know Your Pension (short)**

This workshop presents information on the Ontario Teachers' Pension Plan. Teachers are exposed to the various aspects that they should know about their pension and the benefits they can expect. There is a general summary of survivor benefits with a look at pre- and post-retirement entitlements. A general review of how to apply for a pension is part of the workshop. It is intended for teachers in all stages of their career. (Approximately 2.5 hours)

## **Know Your Pension – Retirement Planning (long)**

This workshop presents information on the Ontario Teachers' Pension Plan, personal planning, and financial planning. Structured on the same lines as OTF Retirement Planning Workshops, this is an in-depth workshop in which teachers are given a workbook and worksheets to examine at their leisure, as well as general directions on the Ontario Teachers' Pension Plan Board calculator.

The workshop is intended for teachers in their last ten years of teaching. It is presented in the local area where elementary, secondary, and occasional teachers are invited. Invitation to other participants (spouses) is at the discretion of the local units. Units generally provide for the venue, morning refreshment break, and lunch. Costs are shared between the local units. The OECTA Provincial Office provides the speaker and workbooks. This is not intended to be a one-on-one session about a person's specific pension needs. (Approximately 4 to 5 hours)

## **Legal Assistance to Members**

The Association's policy on legal assistance to members was approved by the Provincial Executive in 2017. All requests for legal support – whether a member is charged with a criminal offence, facing a CAS investigation, named in a civil suit, the subject of a College of Teachers complaint, or party to a human rights complaint – shall be considered and determined by the Provincial Executive as per By-Laws 2.182 to 2.185 in the OECTA Handbook.

### *By-Laws 2.182 to 2.185 – Legal Assistance to Members*

- 2.182 Where an official of the Association is in difficulty with a school board arising out of the performance of duties as an official, the Association upon receiving a report of these difficulties shall immediately investigate the matter and provide the member with legal advice and support.*
- 2.183 Where it is alleged that a member is guilty of unprofessional conduct or where a member is in a difficulty arising out of the performance of duties as a teacher, the Association shall investigate the matter and shall provide the member with legal advice where appropriate.*
- 2.184 Legal counsel may be provided when the provincial executive deems it appropriate.*
- 2.185 Legal advice and support shall be provided to a member whose status as a member in good standing of the Ontario College of Teachers and/or whose employment by a publicly funded Catholic school board is jeopardized as a result of the member acting according to advice/direction of the Association.*

The Provincial Executive and staff in the Counselling and Member Services department will utilize the following process:

1. Members will be advised that the Provincial Executive will be considering legal support with respect to their case. All cases will be discussed confidentially and staff will not provide any identifiers beyond the database case number.
2. Members will be provided with a joint legal representation/retainer agreement outlining the parameters of legal support as set out in this policy, as well as signing off through an authorization provided by staff and/or legal counsel. A template for this agreement is appended to this policy.
3. Members will be informed that the CMS Staff Officer will provide information concerning the case to the Provincial Executive for its consideration. Prior to presenting the case to the Provincial Executive, the Department Head of Counselling and Member Services (or their designate) will meet with the First Vice-President and the Immediate Past President of the Provincial Executive to discuss the confidential recommendations being presented to the Provincial Executive.
4. Members are responsible for ensuring that the appropriate Staff Officer has any and all information that bears on the issue prior to the Provincial Executive's consideration of the case.
5. Members will be notified of the outcome of the Provincial Executive decision.
6. The Provincial Executive will consider each case and appeal in light of OECTA's broader responsibilities to its members as a whole.

7. To qualify for legal support, the circumstances of the case must arise from the member's teaching-related duties. It should be noted that as per the OECTA Handbook, "legal counsel MAY be provided when the Provincial Executive deems appropriate." The Association, under the direction of a Staff Officer, provides legal support. The provincial Staff Officer has the authority to decide which legal counsel will provide advice and/or representation to the member. The legal counsel assigned must be from one of the designated OECTA law firms.

In addition, OECTA has retained in-house legal counsel to provide legal advice and representation in the areas of College of Teachers complaints, LTD appeals, WSIB cases, watching briefs for civil suits, and human rights complaints.

8. "Teaching-related duties" will almost invariably involve professional activities at the member's location of employment or at school-sponsored events, whether on or off school property.
9. There may be exceptional cases where the member's only connection to the complainant is via their teaching related duties, but where the allegations do not specifically arise out of their teaching related duties, whether at school or otherwise. The Provincial Executive may, at its discretion, consider whether the member requesting legal support has acted in a reasonable and responsible manner having regard to, but not restricted to, professional boundaries.
10. Legal support granted by the Provincial Executive may be restricted in scope. Such restrictions are at the sole discretion of the Provincial Executive. Without limiting the Provincial Executive's discretion in this regard, legal support to a member may be limited or discontinued if the member is unwilling to follow legal advice of OECTA-retained lawyers as to the appropriate conduct of the case, including the resolution of the case.
11. The policy of the Provincial Executive concerning members who are found guilty of sexual assault was established at the June 2000 Provincial Executive meeting. It states: "That members be informed that as a general rule OECTA will not provide legal counsel to assist members at the College of Teachers in matters in which members were found guilty of sexual assault."

The practice of the Provincial Executive has expanded the scope of this general rule to include members who are convicted of criminal charges for all sexually related offences against students/minors. Members facing criminal charges for sexually related offences are informed (at the onset of a College of Teachers complaint) that the Provincial Executive will reconsider OECTA's support for financial assistance for legal representation should they be found guilty of a sexual offence. Consequently, the Provincial Executive may withdraw their support for legal assistance. As a result of this resolution and the ensuing practice of the Association, the Provincial Executive will treat all convictions for sexually related offenses in the same manner.

12. In the 2017, the Provincial Executive approved the following policy with regards to members facing allegations of benefits fraud through the OECTA Employee Life and Health Trust, or the OECTA Occasional Teachers Benefit Plan.
- i) Should an allegation of fraud be made against a member by the Trust that initial Association support be limited to staff advice to the member until the matter is referred to the police or courts.
  - ii) That the Association not provide legal assistance to a member involved in a civil and/or criminal court proceeding arising from fraud of the Trust.
  - iii) That the Association not provide legal assistance to a member for a proceeding before the OCT arising from a conviction, or any form of court approved agreement, arising from benefit fraud of the Trust.

For clarification purposes:

- If the member is charged but not convicted of benefit fraud then the Association will provide legal representation for a proceeding before the OCT.



- If the member reaches a resolution with the Trust prior to the initiation of action under (ii), the Association will provide legal representation before the OCT.

13. Decisions of the Provincial Executive are final and are not subject to appeal.

### **Legal Support for Appeals**

The Provincial Executive may consider requests for appeals concerning criminal, civil, College of Teachers cases, and human rights complaints.

Legal support will be considered using the following criteria:

1. OECTA-retained legal counsel must provide grounds for an appeal in the form of a written opinion. In certain circumstances and in consultation with the General Secretary, the Provincial Staff Officer can request a second legal opinion from another OECTA-retained legal counsel. If requested, the legal opinion will be provided to the Provincial Executive.
2. In exceptional circumstances, at the request of the Provincial Executive, OECTA legal counsel will be present at the Provincial Executive meeting to provide any further information as requested or required.
3. Relevant issues to be considered are:
  - a) There must be significant errors in law.
  - b) There must be a significant chance that the appeal will be successful.
  - c) The precedent nature of the case or issue should be considered.
  - d) Any other considerations.
4. The Provincial Executive will also consider whether the appeal is likely to lead to an overall different result in the case (e.g. acquittal or reversal of civil judgment at re-trial, or the impact of judicially reviewing an OCT decision).
5. The Provincial Executive may impose any terms and conditions on the legal support which it considers appropriate in all of the circumstances (i.e. the Provincial Executive will only pay if the appeal is successful).
6. In the event that the Crown or the College of Teachers initiates an appeal against a member who had received OECTA legal representation, the Provincial Executive will consider the merits of supporting the appeal according to the same criteria above.
7. Decisions of the Provincial Executive are final and are not subject to appeal.

### **Long-term Disability (LTD)**

From time to time, illnesses and accidents can develop into a long-term absence that has not been anticipated. In addition, a member may require medical treatment that will necessitate a lengthy period of convalescence.

Most illness/accident situations are addressed through the normal sick leave provisions contained in the collective agreement with the employer.

When a situation develops in which a member may be required to be absent from their duties for an extended period of time, consideration of LTD benefits should be initiated. In many OECTA units, it is the role of the Association Representative to notify the unit office of a staff member's extended absence as part of the unit's LTD early intervention program.

A member should be advised to contact the unit office prior to beginning the LTD application process. The Unit President will be able to provide information and advice regarding the requirements and timelines involved in the LTD process.

It is critical to the success of any application for LTD benefits that the member be under the regular care of a medical practitioner who is a specialist in treating the condition with which the member has been diagnosed. A member suffering from depression, anxiety, or any other psychological condition must be receiving appropriate treatment from a registered psychologist or psychiatrist. The type of counselling normally offered through school board Employee Assistance Programs does not meet the treatment requirements of LTD plans.

Application for LTD benefits requires a significant amount of lead time. Consequently, early identification and application make the process go much more effectively. Delays in application could result in further hardship for the member. Most LTD policies require that an application be filed within six months of the end of the waiting period.

The Association's protocol for dealing with LTD assistance was approved by the Provincial Executive in 1997.

### **General Principles**

1. The local unit is responsible for:
  - a) Establishing an appropriate early identification process.
  - b) Helping members complete the original application for LTD benefits.
  - c) Helping members prepare and file initial appeal of claim denial or termination.
  - d) Completing tracking sheet maintained by President/Unit Officer.
  - e) Establishing a process to maintain communication with members on LTD.
2. The Provincial Office may be requested to:
  - a) Review a complete file submitted by a unit following the first appeal.
  - b) Make appropriate recommendations regarding further action.
  - c) Carry out such action under certain circumstances.

Members should be informed about OECTA's LTD protocol by the local Unit President or Unit Officer from the outset of filing the claim for LTD benefits.

### **Dire Distress Grants**

As the need arises, OECTA may provide grants to members, or retired members, who find themselves in dire financial need.

What qualifies as "dire distress"?

- The program is intended to provide only short-term relief for emergencies.
- For purposes of this program, "dire distress" is deemed to exist where the applicant, as a result of illness or other unanticipated catastrophe, is unable to provide for the essentials such as food, clothing, and shelter for self and family.
- The program does not exist to provide temporary relief for financial burdens which have developed over a period of time.

In addition to obvious need, what conditions must be met by applicants?

- Applicants cannot have savings, RRSPs, or other investments which can be used to relieve the financial distress. An applicant must have depleted these sources of finances in order to be eligible for grants.
- Applicants must submit a financial plan, developed in consultation with a credit counsellor.
- Where involved in filing a claim or an appeal dealing with LTD, WSIB, or an EI case, the applicants must have followed, or be following, the advice and direction of OECTA.

What forms will the grants take?

- The total amount of grant money provided to any applicant may not total more than \$10,000, although the typical grant will be for much less.
- The amount and any terms by which the grant is provided will be defined by the Grants Committee.

- Only in very rare cases will a grant take the form of direct payment to the applicant. Where the grant is given as income replacement, it may be awarded through, and administered by, the local OECTA unit.

In other cases, grant cheques may be issued to landlords, health insurance agencies, or to social agencies for the provision of accommodation, furniture, clothing, etc.

How are applicants adjudged?

- OECTA has a committee that deals with grant requests.
- To ensure the objectivity of the process, the committee receives no information that might identify the applicant or, in all but very few cases, the unit to which the applicant belongs or belonged.
- The committee reviews the material in the application form (on which any identifying information has been redacted) and makes an adjudication on: (a) whether the applicant qualifies for a grant, and (b) the amount of the grant.

How are applicants informed?

- In most cases, applicants will be informed of the decision by mail.
- Where a grant is provided, the correspondence will also include details about how the money will be allocated and dispensed.
- In some cases, where the need for immediate relief is clear, the decision will be transmitted by telephone by the provincial Staff Officer assigned responsibility for the grant program.

How many times may a person apply?

- There is no limit on the number of applications a person may submit, except that no applications will be considered from anyone who has received a total of \$10,000.
- This re-application route serves also as the appeal process for persons whose applications have been denied or who wish additional funds.

*The local Unit President or the CMS department at the OECTA Provincial Office should be contacted to discuss the situation prior to any request for an application form.*

## **Harassment**

Harassment is a form of unlawful discrimination. According to the Ontario Human Rights Code, harassment is defined as comment or conduct "that is known, or ought to be known, to be unwelcome." It is important to understand that harassment does not have to occur repeatedly to be taken seriously. One incident of a severe nature can be defined as harassment.

The Ontario Human Rights Code states: "Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap."

In addition, the Code deals separately with the issue of harassment because of sex/gender. "Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or by another employee."

The Ontario Human Rights Code also prohibits sexual solicitation and reprisal, and states that every person has a right to be free from:

- Sexual solicitation or advance made by a person in a position to confer, grant, or deny a benefit or advancement to the person, where the person making the solicitation or advance knows, or ought reasonably to know that it is unwelcome.
- Reprisal or threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit of advancement to the person.

What are some examples of workplace harassment? Harassment can be physical, verbal, nonverbal, or graphic. Examples of these might include:

- Unwelcome touching or patting
- Intimidation
- Verbal or written abuse or threats
- Sexual or physical assault
- Enquiries about a person's sex life
- Telephone calls with sexist or racist overtones
- Insults or jokes related to sex, race, or ethnicity
- Isolation, leering, inappropriate notes
- Inappropriate comments on physical attributes, appearance, or behaviours
- Suggestive gestures, displays of offensive materials
- Graffiti, put-downs on a person's abilities
- Language that reinforces stereotypes

Harassment occurs because of power differences between people. These power differences are perpetuated through assumptions and stereotypes that the dominant groups in society have about the groups they view as subordinate. It occurs because some people need to exercise power and control over others, and to discount the value of other people in order to feel better about themselves. By intimidating and disempowering their victims, harassers feel empowered.

The existence of harassment is not contingent on whether there is intent to harass. Rather, it is contingent on what the impact is on the complainant – from the complainant's perspective.

The only way to eliminate harassment is to speak out, then take action.

**All school boards are required to have harassment policies and procedures.** Members who experience harassment should follow their board's policy. The Association Representative may assist them in following the policy, but should not get directly involved in the process. The Association Representative should refer the member to the Unit President and/or the OECTA Provincial Office.

### **Ontario Human Rights Code**

The Ontario Human Rights Code provides that every person has a right to freedom from discrimination on grounds that include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, handicap, family status, age, or marital status. The Code also forbids harassment.

A member who believes that their rights have been violated under the provisions outlined in the Ontario Human Rights Code may choose to file a complaint.

### **Complaint Procedures**

- a. Direct the complainant to the Ontario Human Rights Commission ([www.ohrc.on.ca](http://www.ohrc.on.ca) or 1-800-387-9080).
- b. When the commission files the complaint, a copy of the signed complaint is sent to the complainant and the person complained against (respondent).
- c. If the Commission decides not to file the complaint, it must notify the person in writing, giving reasons for the decision. In addition, it must advise the person of their right to have a reconsideration of the decision.
- d. The Commission will convene a mediation session with the agreement of both parties.
- e. If the complaint is filed, the Commission will establish a fact-finding investigation, which may lead to a settlement or to an extended investigation.
- f. After an extended investigation, the Commission will set up a conciliation meeting of all of the parties.
- g. If no settlement is reached, then the Commission will either appoint a Board of Inquiry or decide not to proceed further with the complaint.
- h. The Commission may decide to appoint a Board of Inquiry who may render an order or dismiss the complaint. The order of a Board of Inquiry may be appealed on questions of fact or law to the

Divisional Court of the Supreme Court of Ontario.

- i. If the Commission decides not to proceed with the complaint or appoint a Board of Inquiry, the complainant may request a reconsideration of the decision.

### **Frequently Asked Questions**

*Are there other options available to teachers instead of filing a complaint to the Ontario Human Rights Commission on matters pertaining to harassment?*

Teachers may file a grievance under the collective agreement, or access the school board's harassment policy and procedures.

*What do I, as an Association Representative, do if someone complains of harassment?*

Listen to the complainant and advise them to document the incident(s). Be sensitive and maintain confidentiality. Seek advice from your local Unit President or the OECTA Provincial Office immediately.

*Are there reprisals against an individual who files a complaint under the Human Rights Code?*

Every member has a right to claim and enforce their rights under the Code, and to institute and participate in proceedings stemming from a complaint. Members can also refuse to infringe upon a right of another person under the Code, without fear of reprisal or threat of reprisal for doing so.

### **Assault Upon Teachers – OECTA Policy**

The OECTA Handbook contains the following policy regarding assault upon teachers.

3.96 That the Association support members who have been subjected to an alleged assault upon their persons while performing their professional duties. An assault may be actual or threatened, verbal or physical.

3.97 That the Association support that "a person with a history of violent behavior" is defined as any person that has been identified as having perpetrated an act of violence as it is defined by the *Occupational Health and Safety Act*.

The definition:

- applies regardless of it being the initial occurrence of violence for an individual;
- applies to violence committed anywhere, at any time, by any person including student-on-student violence, or violence by a special needs student; and
- applies without the application of mitigating circumstances (mitigating circumstances are only used in determining the appropriate course of action after applying the definition).(AGM 2017)

3.98 That where a member has suffered an assault the following steps should be followed:

- 3.98.1 the assailant is to be removed from the presence of the member immediately;
- 3.98.2 the member is to receive immediate medical attention where warranted and medical verification of the assault, either from a doctor called to the scene or from the nearest hospital;
- 3.98.3 the member, or if necessary a colleague, informs the principal at the earliest opportunity, and the principal, in turn, informs the central board office that an assault has taken place and requests that the board's legal counsel be so advised;
- 3.98.4 the principal or designate immediately establishes that an assault has occurred and identifies any witnesses;
- 3.98.5 where the alleged assailant is a student in that school, the principal immediately reassigns the student out of the classes of the assaulted member and, where it is possible this reassignment is permanent;
- 3.98.6 where the investigation establishes that an assault has taken place and that the assailant is a student in that school, that student is immediately suspended from school and the parent or guardian so informed; that student is not subsequently assigned to the member's classes;
- 3.98.7 where the investigation establishes that the assailant is a person other than a student in that school, or where, in any event, the assault is of a serious nature in terms of bodily harm, the principal calls the police to investigate;

3.98.8 subject to consultation with the assaulted member, and the member taking legal advice through the Association and/or the board, the principal calls the police to investigate, regardless of the source or gravity of the assault;

3.98.9 the principal makes a written account of the events, times and witnesses and furnishes the member with a copy of this account and any other reports pertaining to the assault;

3.98.10 the member, or if necessary a colleague or the principal, informs the Association representative and the unit president of the assault;

3.98.11 the principal or the unit president informs the Association's provincial office of the assault;

3.98.12 where necessary, the member receives time off from all duties without loss of pay or sick leave until able to resume duties; the member is given every opportunity, with the advice of the Association's lawyer, to consider commencing a civil action for damages for physical injuries sustained in the assault and emotional distress resulting from those injuries or, alternatively, to seek benefits from the Workplace Safety and Insurance Board; and

3.98.14 in the event that the assaulted member is not a teacher of the student, the principal shall, in consultation with the member, develop a strategy to ensure that the student and member are not in close proximity during the school day.

3.99 That the Association support in principle, that support staff put in place to address a risk of violence be adequately trained prior to being assigned to a classroom.

3.100 That the Association support the principle that assaults, as described in policies 3.96- 3.100, by definition are acts of workplace violence under the *Occupational Health and Safety Act* (OHS, PART III .0.1) and therefore must be reported, investigated, re-assessed as to risk and the subject of hazard controls as per the OHS workplace violence legislation, in addition to being subject to these provincial handbook policies on assault.

School boards are also required to have policies in place that deal with workplace violence.

### **Ontario College of Teachers**

The *Ontario College of Teachers Act* was proclaimed in legislation in 1996. The legislation mandated the College with responsibility for developing standards of teaching practice, teacher certification, teacher professional development, accrediting teacher education programs, and the investigation of complaints involving teachers.

Membership in the College is a requirement for any teacher who wishes to maintain their teacher certification for Ontario schools.

All Ontario teachers must pay an annual fee to the College. The current fee is \$150 per calendar year and is usually deducted by the school board and forwarded to the College. Occasional teachers, faculty graduates, teachers on leave, and retired teachers wishing to be placed on Occasional Teacher lists are usually responsible for the payment of fees directly to the College.

It is imperative that validation of payment, receipt, and membership is maintained by the individual members in the event a challenge is issued. As the College fee is a recognized tax deduction, formal receipts are issued directly by the College.

All teachers should be aware of the steps then should take if they are notified of an investigation by the College. The *On The Ice: Maintaining Professional Boundaries* booklet and video are resources available on the OECTA website. The Association, through the Provincial Office and affiliation with the Ontario Teachers' Federation, continues to monitor the development and implementation of the Ontario College of Teachers to ensure fair treatment and maintenance of the individual rights of members.

### **Complaints Process**

A written complaint is made to the College. The complainant gives their name, the name of the member, and the nature of the allegation.

The College investigates the complaint. An investigator is assigned to gather information, contact people involved, and write a report for the Investigation Committee.

The College notifies the member by telephone and by mail (also may request an updated email in order to correspond electronically).

If the College Investigator contacts you to inform you of a complaint:

- Contact your local OECTA unit or the Counselling and Member Services department at the OECAT Provincial Office immediately.  
Do not provide any information or make any statements without first consulting with OECTA staff or legal counsel.
- This is the only statement you should make:  
***"I am willing to co-operate but I am unable to comment until I contact OECTA or any legal representative."***
- Do not contact the person who filed the complaint.
- Do not make a statement regarding the complaint.
- OECTA legal support will be provided in responding to the complaint.

Investigation Committee considers information collected during investigation.

Investigation Committee takes one of the following actions:

1. Dismisses the complaint.
2. Requires the member to appear to be cautioned, admonished, and/or take a professional boundaries course.
3. Takes other action that the committee views to be appropriate to the circumstances. For example, alternative dispute resolution.
4. Refers the matter to the Discipline Committee for a hearing, if professional misconduct or incompetence is suggested.
5. Refers the matter to the Fitness to Practice Committee for a hearing, if concerns are health-related issues that potentially impact on the member's ability to teach.

The College will send you and the complainant a copy of the Investigation Committee's written decision by mail.

### **Ontario Teachers' Federation – Duties of Members**

As members of OECTA, we are also members of the Ontario Teachers' Federation (OTF) and therefore governed by their policies, procedures, by-laws, and the regulations under the *Teaching Profession Act*. In particular, Sections 13 to 18 govern our duties to members, pupils, educational authorities, the public, and OTF. These are printed in the OECTA pocket planner.

These duties are cross-referenced in the Ontario College of Teachers' regulation of professional misconduct.

Especially problematic are situations in which members make negative comments about colleagues to principals, police, Children's Aid Society (CAS) workers, or the Ontario College of Teachers, and fail to inform their colleagues of these reports.

Teachers are reminded that:

18 (1)(b) requires

a member on making an adverse report on another member furnish him/her with a written statement of the report at the earliest possible time and not later than three, days after making the report.

The only exception to this requirement is the recently approved:

18(1) (c) which states

Notwithstanding section 18(1)(b) a member who makes an adverse report about another member respecting suspected sexual abuse of a student by that member need not provide him or her with a copy of the report or with any information about the report.

It is important that members recognize their dual responsibility. They must co-operate with the school board authorities, police, CAS, and the Ontario College of Teachers while fulfilling the requirements of 18 (1)(b).

When a situation is serious and therefore information must be reported, a member must inform their colleague of their report except when it relates to sexual abuse of a student.

More information regarding the OTF can be found at [www.otffeo.on.ca](http://www.otffeo.on.ca)





A fundamental requirement of any organization is the development of its future leadership. OECTA's Leadership Training Program reflects the Association's commitment to training strong teacher advocates and activists at the local and provincial levels.

### **Certificate of Foundational Training**

Participants gain a broad foundation of knowledge and skills in collective bargaining, communication, contract administration, leadership, legislative framework, OECTA governance, and professional relations. A Certificate of Foundational Training is awarded following the completion of six required three-hour modules and two optional three-hour modules.

### **Required Modules**

#### **ABCs of Grievance Arbitration**

Participants get an overview of the grievance arbitration process. A glossary of terms familiarize individuals with the nomenclature of the process, which are examined in detail, giving participants a fundamental understanding of grievance processing from filing to ultimate resolution at arbitration.

#### **Communication Fundamentals**

Communication is, at the most basic level, about messages sent and received between two or more people. We define effective communication as messages being received as the sender intended. This module examines the elements that contribute to effective communication, thereby minimizing miscommunication and misunderstanding.

#### **Legislative Framework**

This module focuses on statutes and regulations that form the legislative framework for teacher collective bargaining in Ontario. Participants become familiar with the *Education Act*, *Labour Relations Act*, OHSA, ESA, FIPPA, and other statutes that affect the Association as a bargaining agent.

#### **OECTA: How it Works**

Participants develop a better understanding of how OECTA works as an organization by examining OECTA's legal and political structures and processes. Participants learn how priorities are set, policies are developed, and budget and fees are approved, as well as the division of roles and responsibilities between the Provincial Office and local units.

#### **Principles of Teacher Leadership**

This module distinguishes between professional development and staff development. Using a case study approach and Ministry initiatives, at both the elementary and secondary levels, participants build skills in identifying staff needs, accessing appropriate avenues to meet staff needs, and using professional development funds and committees to help support members with these initiatives.

#### **Professional Relationships**

This module examines the statutory rights and responsibilities of teachers working within the publicly funded Catholic school system. Strategies to prevent and minimize the impact of by complaints about teachers from employers, parents, the Children's Aid Society, the police and the Ontario College of Teachers are highlighted. Participants learn how to build positive and professional relationships with students, parents, colleagues, and administrators.

### **Optional Modules**

- Conflict management
- Issues in Catholic education
- Facilitation skills
- Financial reporting
- Know your pension plan
- Lobbying essentials
- Making meetings matter
- Safe schools
- 20 tips to work smarter with tech

### **Additional Information**

#### **Eligibility Criteria**

To be considered for this program, participants must commit to:

- Serving members of the local unit in some capacity following training
- Attending and participating fully in four days of training.

#### **Costs**

OECTA will cover each participant's release time, travel, accommodation, and program costs for four training days in the Toronto area.

#### **How to Apply**

Additional information and the online application can be found at [catholicteachers.ca](http://catholicteachers.ca), in the Members' Area, under Leadership Training Program. Selection of applicants into the program will be a joint process between the local Unit Executive and the Provincial Office. Contact your Unit President for more information about becoming a participant.



OECTA's Leadership Training Program reflects the Association's commitment to training strong teacher advocates and activists at the local and provincial levels. The program includes a year of foundational training followed by specialized training in areas of membership service.

#### **Certificate of Specialized Training**

The prerequisite for application to a specialized training program is either completion of the Certificate of Foundational Training or service to OECTA membership in the role of a release officer for a period of at least one year. Applicants will select one of the following areas of specialized programs: Advocacy and Member Engagement, Collective Bargaining, Conflict Management, or Grievance Officer. OECTA will cover each participant's release time, travel, accommodation, and program costs for four training days. Additional information can be found at [catholicteachers.ca](http://catholicteachers.ca) in the Members' Area, under Leadership Training Program.

#### **Advocacy and Member Engagement Certificate**

The heart of a union is its members. Strength comes from members being engaged both within the organization itself, and externally on behalf of the union and its causes. This certificate program is designed to give participants a better understanding of the nature of leadership and engagement in the union context, helping them to build the knowledge and skills needed to be effective advocates for teachers and Catholic education.

Modules will focus on:

- Understanding current issues affecting Catholic teachers and publicly funded Catholic education.
- Using basic knowledge of human behaviour to identify priorities, set objectives, and develop strategies for interacting with a wide range of audiences.

- Developing core communication skills, including how to choose appropriate messages and tools.
- Leveraging your professional judgement to take on leadership roles.

After completing the program, participants should have an increased level of comfort and capability, which will enable them to help build support and solidarity within the Association, and between Catholic teachers and the public at large.

### **Grievance Officer's Certificate**

This program encompasses the major areas necessary to be successful as a unit grievance officer. Through modules such as Grievance Officer Part I, II, and III, and specialized modules on Accommodation, Health & Safety, and WSIB for Grievance Officers, participants will be prepared to assume the role of unit grievance officer, possessing a broad knowledge of the grievance arbitration process and ancillary skills.

As a result of participating in this program, participants will:

- Understand the major concepts necessary to be successful as a unit grievance officer.
- Gain broad knowledge of the grievance arbitration process and ancillary skills.
- Understand principles and practices related to Accommodation, Health & Safety, and WSIB for grievance officers.

### **Collective Bargaining Certificate**

This program provides an opportunity for committed OECTA activists to develop the skills necessary to participate as team members in building a stronger union through the collective bargaining process. Participants will acquire the essential tools needed to play an active role on a local collective bargaining committee. Five of the seven modules will present the various components of collective bargaining. Modules six and seven will simulate a collective bargaining session. In groups, participants will prepare an abridged initial proposal for either the board or the union. They will develop arguments in support of their proposal and present the proposal to the other party.

As a result of participating in this program, participants will:

- Understand the OECTA Handbook collective bargaining policies and OECTA's systemic and local objectives, and the role they play in collective bargaining.
- Identify the legislation and policies governing collective bargaining.
- Identify and describe the significance of the major components of a collective agreement.
- Source information relevant to the collective bargaining process.
- Locate source documents relevant to education funding and identify key elements relevant to teacher collective agreements.
- Identify and understand the stages of the bargaining cycle.
- Understand the importance of effective communication.
- Identify and understand preparation involved in the bargaining process.
- Design and analyze the characteristics of an effective collective bargaining survey.
- Identify the characteristics necessary in forming an effective bargaining team.
- Understand and apply the steps involved in developing an initial proposal.
- Understand and apply the strategies and tactics used in negotiation.

### **Conflict Management Certificate**

This certificate program introduces participants to OECTA's conflict-management continuum. Participants gain an understanding of the nature of conflict and the various responses and approaches to conflict. Participants practice effective communication skills to determine the appropriate response to the conflict. Participants use the skills acquired to apply the four-phase collaborative negotiation model while working through various conflict scenarios. By the end of this program, participants are able to determine the most appropriate response to workplace conflict and to act as an "early interventionist" in helping to facilitate a possible resolution to conflict situations.

As a result of participating in this program, participants will:

- Become aware of OECTA's conflict-management continuum.
- Understand what conflict is, as well as your personal response to conflict.
- Review various responses to conflict.
- Examine the co-operative and the adversarial approaches to conflict.
- Learn and apply effective communication skills in conflict management.
- Understand and apply a collaborative four-phase conflict-management model.
- Understand and practice the skills of managing anger in conflict situations.
- Explore the effect of power, culture, gender, etc., on managing conflict.
- Learn how to shift from a positional to an interest-based approach in personal negotiations.
- Understand and practice a collaborative negotiation problem-solving model using the four-phase process.
- Use the steps within the phases to negotiate an outcome.
- Understand and be able to determine the roles in managing conflict among others.
- Understand when and where to direct others to seek third-party intervention.
- Understand the concept and role of a third-party mediator.

## ADVOCACY AND MEMBER ENGAGEMENT

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The OECTA Government Relations and Communications departments work closely together to keep members informed about Association activities, promote the professional interests of Catholic teachers, advance the cause of Catholic education, and fight for the common good.

As the Association Representative, you can help to engage and inform members by sharing Association materials, and alerting members to upcoming events. You can also encourage members to get involved with the union themselves, for example through participation on committees.

### Government Relations

In 1997, the Ontario government passed the *Fewer School Boards Act*, which removed education from the residential property tax base and placed all school board-related funding under the provincial government. Education funding, policies, and curriculum went from being locally determined to being provincially driven and consistent across Ontario.

This shift toward centralization has also occurred in collective bargaining and culminated with the passage into law of the *School Boards Collective Bargaining Act* in 2014. This legislation codified a provincial tier into the collective bargaining process. The law requires that the provincial government participate in collective bargaining.

With the government as the employer and director of all education policies and programs, maintaining good relationships with policymakers at Queen's Park is essential. Regular dialogue between the Association and MPPs from all three main political parties means that the perspectives of Catholic teachers are considered when important decisions are being made in the field of education.

The Government Relations department incorporates a solid understanding of government and political processes into developing government relations strategies to positively position OECTA within government circles. The department strives to understand and articulate the needs and challenges of Catholic teachers, in order to provide strategic advice to the Association on the development of our legislative agenda and election campaign strategies. Staff scan the political landscape to keep current on the pressures and priorities of government – this includes tracking developments occurring within political parties, committees, and legislation to provide timely and thorough political analysis. The department also co-ordinates the development of briefs and position papers, to promote issues and policy ideas with the government and opposition parties, and/or to respond to proposed legislation.

The importance of the department is heightened during election years. The Association develops comprehensive strategies to elect education-friendly candidates. This involves communicating the needs of Catholic teachers to officials of all parties during platform-development process, and creating election-readiness strategies to engage members before, during, and after the campaign.

To consistently leverage the influence of OECTA's 45,000 members, Government Relations staff act as liaison to the provincial Member Engagement Committee, and undertake polling to better understand the needs and perspectives of Catholic teachers across Ontario. The department also seeks to develop partnerships with key decision-makers, education stakeholders, labour organizations, and community partners. Examples include: Friends and Advocates of Catholic Education; the Political Action Committees and Solidarity and Pride Workgroups of the Canadian Labour Congress and the Ontario Federation of Labour; Campaign 2000; the Ontario Coalition for Better Childcare; and the Canadian Centre for Policy Alternatives. Furthermore, the department makes recommendations to the Provincial Executive on the use and application of the Political Action Fund. The fund provides the Association with resources to develop and implement its provincial election campaign strategy, and to undertake other political action activities and advocacy projects on a regular basis.

If Catholic teachers are to make a difference in strengthening our education system and building a more just society, we must inform and inspire a greater number of people to advocate with us. To this end, the Government Relations department collaborates with the Communications department to

undertake public relations campaigns. The department uses a variety of media to raise awareness of key issues that affect education and the common good. Examples have included Speak for Children, Teachers Matter, and Lessons for Life.

Advocating for a strong publicly funded education system that includes Catholic schools is of the utmost importance. But as Catholic teachers, we are also called to improve the human condition at home and around the world by working to eliminate discrimination, foster understanding, and reduce poverty and economic inequality. In addition to our core positions on educational issues, the Government Relations department strives in all of our work to advance the Association's views on labour, equity, and social justice and economic justice.

### **Communications**

The Communications department is dedicated to ensuring that communications with members and the broader public are clear, informative, effective, and engaging. To this end, the department works through a variety of media and provides support to local units and other Provincial Office departments to enhance the effectiveness of their communication.

The Communications department actively manages OECTA's brand to ensure that the image and reputation of Catholic teachers and the Association are maintained and enhanced. The department also develops messaging and strategies that support the policy direction of the Association.

To fulfil our mandate, staff in the Communications department routinely undertake the following activities:

- Publication production, including *Catholic Teacher* magazine
- Website content management
- Social media outreach and content management
- Advertising and marketing, including campaigns like Lessons for Life or Speak for Children
- Media monitoring and relations
- Research, writing, editing, and creative services
- Meeting and conference support
- Issues analysis
- Communications planning

### **Provincial Committees**

Another way that members can get involved with the Association is by serving on a provincial committee.

The current committees are:

- Audit
- Awards
- Catholic Education and Curriculum
- Collective Bargaining
- Educational Aid
- Finance
- Health & Safety
- Human Rights
- Legislation
- Long-term Disability
- Member Engagement
- Personnel
- Program and Structures
- Status of Women
- Teacher Development
- Teacher Education

The OECTA Handbook provides an outline of the composition and duties of each committee.

The Association Representative should bring the opportunity to join a provincial committee to the attention of the school staff each year. Information can be found at [catholicteachers.ca](http://catholicteachers.ca), in the For Your Career section, under Leadership Opportunities.

## PROFESSIONAL DEVELOPMENT

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Our Association fosters the development of confident, competent professionals, while promoting members' personal and spiritual growth. We provide professional development and training workshops "for teachers, by teachers," produce a variety of publications, facilitate access to important information, and offer or sponsor conferences and seminars.

### **Additional Qualification (AQ) Courses**

OECTA offers a plethora of stand-alone and three-part AQ courses. These courses provide relevant and practical professional development to teachers, and are recognized for the purposes of QECO category placement. They are provided during spring, summer, and fall sessions.

Religious Education courses are provided by OECTA in partnership with the Ontario Catholic School Trustees' Association. They are delivered through some Catholic school boards in face-to-face, online, or blended formats.

Some Catholic school boards require the completion of the Part 1 Religious Education course during the first or second year of teaching as a condition of employment. In some cases, these boards also pay or subsidize the registration fees for these courses. If your board requires completion of this course, check whether any financial support is available.

Teachers can apply for a "deemed equivalency" standing in Religious Education if they have taken undergraduate or graduate courses in religious education, theology, or religious studies. Criteria for equivalency are stated on the application forms, which are available at [catholicteachers.ca](http://catholicteachers.ca). Applicants must send original university transcripts with their application for equivalency.

### **Certificate of Qualification**

Upon successful completion of the OECTA Religious Education or any other OECTA AQ course, notification is sent to the Ontario College of Teachers by the Registrar and, in turn, this information is recorded on the teacher's Certificate of Qualification.

### **QECO**

It is the teacher's responsibility to inform the school board and/or QECO of the completion of the course, especially if it is being used for salary placement purposes. Although these courses are recognized by QECO, completion does not guarantee a change in category. Teachers must contact QECO directly to determine the course value in this regard.

Visit [catholicteachers.ca](http://catholicteachers.ca), under For Your Career, for the full menu, as well as registration and session dates.

### **Education Quality and Accountability Office (EQAO)**

EQAO is an independent agency that creates and administers large-scale assessments to measure Ontario students' achievement in reading, writing, and math at key stages of their education. All EQAO assessments are developed by Ontario educators to align with the Ontario curriculum. The assessments evaluate student achievement objectively and in relation to a common provincial standard. EQAO is currently focused on a multi-year modernization initiative.

The agency provides schools and school boards with detailed reports about their students' achievement, as well as contextual, attitudinal, and behavioural information from questionnaires, in an interactive online reporting tool. These data are supposed to assist with the improvement of school programming and classroom instruction. EQAO also reports the results of the provincial assessments publicly. EQAO also co-ordinates and reports on Ontario's participation in many national and international assessments.

The *Education Quality and Accountability Office Act* gives the Minister of Education wide powers to set directives and policies for the agency, and equally wide powers to the agency to require boards to administer tests, report on their results, and provide information to the Office. It is the Association's

position that teachers' professional judgment should be the cornerstone of assessment, and standardized testing diverts time and resources away from more appropriate classroom activities. That being said, teachers who teach in EQAO test years are obligated to carry out their duties with regard to test administration. Violating the protocols and procedures is tantamount to breaking the law. Even if a teacher suspects that a principal is advising them to violate the EQAO rules, doing so could lead to investigation and discipline by the Ontario College of Teachers.

If you suspect that a principal is directing a teacher to violate the EQAO rules, you should contact your local OECTA unit immediately. If they are not available, contact the Provincial Office.

### **New Teacher Induction Program (NTIP)**

In 2010, the NTIP was amended to support the continued growth and professional development of new teachers. NTIP provides an additional year of professional development supports for new teachers, which includes orientation, professional development training and mentoring by experienced teachers. During the first 12 months of beginning teaching, a teacher is required to have two performance appraisals conducted by a principal. Upon receiving two satisfactory performance appraisals, the NTIP will conclude. Should a teacher not receive two satisfactory performance appraisals, the teacher will continue to receive support through NTIP for a second year. Should a teacher not receive a satisfactory performance appraisal, during the second year of NTIP support they are encouraged to contact their local OECTA Unit President.

Additional resources are available online at: <https://www.catholicteachers.ca/Members-Centre/Teacher-Performance-Appraisal>

### **New Teacher Induction Program – Teacher Mentor**

An important part of the NTIP experience is the mentoring that new teachers get from more experienced teachers. Experienced teachers interested in mentoring should be aware that the role of mentor is non-evaluative. The role of the mentor is to provide support to enable the new teacher to improve their skills and confidence in teacher.

The Ministry of Education has created *Partnering for Success: A Resource Handbook for Mentors*, which contains a brief introduction to mentoring, along with a collection of supports that teachers can use to enhance the mentoring process, including web-based resources on specific topics.

The Association has also produced *What You Should Know About Being a Mentor*, which provides answers to some common questions about being a teacher mentor.

### **Annual Learning Plan (ALP)**

Beginning in 2007, all teachers, other than new teachers, are required to complete a learning plan each year. A teacher's ALP is self-directed. Teachers are responsible for submitting annually their learning plan that includes the teacher's professional growth objectives, a proposed action plan, and timelines for achieving the objectives. During a TPA year the teacher must have a meeting with the administrator regarding the ALP. During non TPA years the principal and/or teacher shall meet to discuss the ALP if either of them requests it. A signed copy of the ALP should be retained by the teacher for their records.

### **Young Authors Awards/Prix Jeunes Ecrivains**

For more than three decades, OECTA has celebrated the writing talents of students and the instructional talents of teachers through the Young Authors Awards/Prix Jeunes Ecrivains. There are three levels of competition: school, unit, and provincial. The first place winners in each category advance to the next level. Provincial-level winning entries are selected by the provincial selection committee and are published in the Young Authors/Prix Jeunes Ecrivains annual publication. Competition timelines are distributed annually and made available on the provincial website.



## **Associate Teachers**

The practicum experience is an opportunity for teacher-candidates to develop curriculum delivery strategies, lesson planning, classroom management skills, and assessment strategies. As mentors to the teacher-candidates, associate teachers help guide the candidates' professional formation, and prepare them to become qualified, certified teachers. Experienced teachers interested in acting as an associate teacher should be aware of the role and responsibilities associated with this voluntary position. The Ontario English Catholic Teachers' Association developed the Associate Teacher Manual, which is designed to support members who voluntarily serve as associate teachers. This resource offers information related to legal, professional, and academic issues related to the role.

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